

Rogers, Laura

Risk assmt
Multi-prong

From: [REDACTED]
Sent: Tuesday, July 31, 2007 6:19 PM
To: GetSMART
Subject: Comments on proposed guidelines

The most unacceptable portions of these guidelines are based on the tier designations, which have little relationship to actual risk. Designations should be based on professional risk assessment, not on the opinions of legislators.

Risk assessment should be subject to change according to increased stability or destabilization of registrants, psychiatric assessments, current family and community assessment, and other factors shown to be important to risk.

Too much of this is based on false data. Recidivism of sex offenders is low (as verified by Department of Justice data), but the assumption seems to be that all registrants are looking for a chance to reoffend, and to do so more dangerously than before.

I am the wife of a registered offender whose crimes were committed 19 years ago. He touched an 11-year-old through her clothes, and thus he cannot be classified as Tier I. He also "failed" initial probation, primarily because of symptoms of depression (he was not allowed treatment for this--they said treating the depression would "reward" him for offending). His probation was revoked because of "lack of enthusiasm" for the "treatment." Notably, after prison, he did not do well in a second treatment program until he was allowed to receive appropriate psychiatric treatment. Why should he be punished for his feelings of failure, guilt, and uselessness by Tier II designation?

It is well known that parole or probation violation may be technical, sometimes depending more on the attitude of the parole or probation officer than on the actions of the parolee, and may have nothing to do with criminal inclination.

Most important, and probably like many registered offenders, he avoids relationships and situations where reoffence could be a temptation. Furthermore, like most of those who have offended against someone living in the same household (although not legally related), he has NEVER, even before he was caught, when his behavior was escalating, been a danger to anyone outside of our home. Had he not been caught, he would have been a danger to our grandchildren. Had he not been caught, he could have entered into Internet pornography. He was caught and he took responsibility for what he had done.

Having to register anywhere he spends 7 days means we cannot visit our family as we would like to because we will not do anything that requires their addresses to be listed on the Internet. The daughter who rents her home could conceivably be evicted if it were known that her father, a registered offender, visits her. How does interfering with relationships serve to protect the children of the community?

These rules make no allowance that I can see for the problems of aging. Within a few years, neither he nor I will be driving. At some point, we will be more-or-less home bound. With the length of required registration, you will have more and more registrants who are unable to present themselves in person anywhere. And you will have a percentage who, because of age-related dementia, cannot remember either that they have to register, or when. Is dementia to be considered a felony? And of course there is the problem of housing--will registrants be allowed in assisted living or nursing homes?

There is concern about publishing e-mail addresses, not for the loss of privacy of people who have never committed an offence via computer, but for those who could conceivably get together in a pornography or enticement scheme. Yet most who molest children do so secretly; this is not normally a group crime. Meanwhile, my husband cannot legally participate in education or family communication via the computer because I refuse to have our privacy violated by giving out my address, etc.

Publishing car licences likewise poses a danger, both to the registrant and to the family. Our daughter and granddaughter sometimes borrow our van. I am nearly always with my husband in that same van because neither of us likes to drive alone. It's one thing for

the police to have a record of that license, but publishing it on the Internet is totally unacceptable.

Another point: The statement that the registration information is not to be used wrongly is completely useless. We know. There was several thousand dollar's worth of vandalism to our home by a neighbor (known to be psychotic--he believed we sprayed poison from our attic vents). The police knew who did it. We knew. But there was no evidence and he did not physically attack--he only terrorized us in subtle ways. There are always unstable people who will take advantage of the published lists for vandalism, harrassment, or murder.

And how does the registry protect against the 95% of sex crimes committed by those who have never been caught?

This law clearly assumes that registrants have no family, and serves to isolate registrants from family, friends, and community in such a way that it may well exacerbate the very behavior it is intended to prevent.

[REDACTED]

PeoplePC Online
A better way to Internet
<http://www.peoplepc.com>

From: [REDACTED]
Sent: Tuesday, July 31, 2007 11:23 PM
To: GetSMART
Subject: Docket Number: OAG 121

Importance: High

I would like to submit the following comments for consideration by the Attorney General regarding The National Guidelines for Sex Offender Registration and Notification, A.G. Order No. 2880-2007, RIN 1105-AB28.

As the wife of an individual who was wrongly accused and is now forced to comply with the never-ending always changing laws that only apply to the middle-class and below! The Sex Offender Registration and Notification Act (SORNA) guidelines don't work.

Since the enactment of the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (42 U.S.C. 14071) in 1994, thousands of individuals were grandfathered into a registration system that was broken from the beginning.

Based on my research in the State of Illinois, there are people listed as non-complaint who are dead. Others are in jail, but the registration system still shows them out in public.

Instead of changing the rules using the Adam Walsh Child Protection and Safety Act of 2006 (Pub. L. 109-248), why not fix the existing system.

Allow the individuals who have never committed another sex crime to be removed from the registration system.

Also, take into consideration the "She Said, He Said" factor.

What is the "She Said, He Said" factor?

The "She Said, He Said" factor is NEVER discussed because the actual criminal is the 13-14-15 year old girls who file false charges against their fathers just because they are mad at them. There is NO DNA available so guess who goes to jail - He does!

Don't get me wrong, if the individual has committed a number of sex crimes and/or killed someone regardless of age of the victim - they belong on the registration list.

Stop punishing the "TIER I" offenders and their families.

I am a victim of the punishment of a "TIER I" offender! Stop changing the rules because I feel like I'm living a NAZI state - the State of Illinois.

Thank you for your time.

[REDACTED]
[REDACTED]

Rogers, Laura

From: dispatch2@ohiomuskingumsheriff.org
Sent: Wednesday, June 13, 2007 8:39 AM
To: GetSMART
Subject: AWA

As a member of the Ohio Region 8 CART team I want to thank you for the new guidelines and your determination to keep our children safe.

It is going to take a bi-partisan effort and cooperation on all fronts to fight the hard fight for our children and their ongoing safety. It is high time that all sex offenders specifically Predators realize they are going to be watched very closely regardless of how much whining that they do. Again thank you for your diligence and willingness to provide a safe country for our children.

Joleen Y Kinsel
Muskingum County Sheriff Office
Ohio Region 8 Cart - Dsipatcher

8/16/2007

Rogers, Laura

From: Bob White [REDACTED]
Sent: Monday, July 23, 2007 5:54 PM
Subject: GetSMART
Sex Offender Laws

I would like to take a moment to thank you for putting together a National Sex Offender Guideline that for once all 50 states can follow.

Currently our system in this country is nothing but a joke. Some states do not do hardly anything and other states go so far overboard that they have offenders living under bridges.

The state of Georgia wrote such a bad law (HB 1059) that almost every part of it is being picked apart by the courts.

The biggest problem is not as much how the law has been written, but how the law is being applied. This is part of the problem with what you are doing with the National Standards for Sex Offenders.

Have you really taken the time to research all the facts on how a Judge would react with these standards?

What about the Sheriff's department and local probation officers? The problem is that you are writing laws that sound good on paper, but do not work in the real world!

I would be happy to share with you on some insite to some of the flaws that are in your current writings.

If you continue to focus on one group of criminals and continue to banish them from everything in our society, then you are not just banishing them, but the families of the offenders as well.

Bob White

Need a vacation? Get great deals
to amazing places on Yahoo! Travel.
<http://travel.yahoo.com/>

Rosengarten, Clark

From: Rogers, Laura on behalf of GetSMART
Sent: Monday, August 06, 2007 10:49 AM
To: Rosengarten, Clark
Subject: FW: OAG Docket No. 121
Attachments: 4184385160-Neely_Ltr. SMART Office.doc

From: Larry Neely [REDACTED]
Sent: Tuesday, July 31, 2007 7:16 PM
To: GetSMART
Subject: OAG Docket No. 121

Letter attached with comments.

Choose the right car based on your needs. Check out [Yahoo! Autos new Car Finder tool](#).

Larry Neely

[REDACTED]

[REDACTED]

Laura L. Rogers
SMART Office
U.S. Dept. of Justice
810 7th Street NW
Washington, DC

Via email: getsmart@usdoj.gov

Re: OAG Docket No. 121

Comments on the Attorney General's National Proposed Regulations
Adam Walsh Sex Offender Registration (SORNA).

The comments I wish to submit regarding the Proposed Regulations are as follows:

1. The retroactive application will force the states to engage in expensive litigation. This is likely as a result of the provision requiring those with older convictions to register after a new encounter with the criminal justice system. It is probable there will be numerous ex post facto challenges asserted along with ineffective assistance of counsel claims.
2. The increase of the period of time a person must register from 10 years to either 25 years or lifetime will dissuade many from continuing to register as they will see no hope of ever getting off registration. Since only misdemeanors can be designated as Tier I offenses, most will be required to register for either 25 years or life.
3. Local law enforcement will be required to track offenders for a significantly longer period of time without additional funding. This comes at a time when most Sheriffs are already stretched to the limit. The net result will be, a needless diversion of scarce resources, to track registrants that pose little threat to our communities. This is another un-funded Federal mandate on the states.
4. States that currently assess their offenders for risk of re-offending will have no incentive to incur the expense for such assessments as the Tier designations have no correlation with the predicate offense. Additionally, most offenders would be unlikely to cooperate with a risk assessment if there is nothing to be gained by doing so.
5. Presently, the law in many states, *does not* require offenders assessed either low or moderate risk to be posted on the internet. We can anticipate a lack of motivation for treatment if there is no means for a registrant to prove he/she has been rehabilitated or at least successfully treated. This provision alone will significantly undermine the goals of the Adam Walsh Act. Statistics consistently prove that treatment reduces the likelihood of recidivism.

6. If the states are forced to display more information on their websites, i.e.: employer's address and exact home address, there is a strong likelihood of more acts of retribution against the registrants ~~or the businesses that employ them~~. The unintended consequences are likely to be more registrants re-offending and employers not hiring sex offenders to avoid becoming targets of negative publicity *for employing a sex offender*.
7. There has been documented cases of murders and revenge attacks as a result of information displayed on sex offender registries. More offenders are likely to fear retribution or loss of their jobs and could discontinue registering. You should consider Iowa's experience in terms of their residency restrictions. Many (previously compliant) registrants have simply disappeared.
8. The Adam Walsh Act only establishes minimum criteria the states must adopt. It is very likely that some states, in order not to be outdone, will enact even more stringent laws. If this happens, other states trying to be reasonable will feel compelled to pass new laws that equal or surpass the surrounding states.
9. If the states again begin to "one up" each other, we will be back in the same predicament as we are today with 50 totally different statutes. During a recent Georgia legislative session, a legislator remarked, "[M]aybe they will all leave." No state will want sex offenders from another state to move in. As a result, the competition between the states to be the toughest will continue.
10. The cost for the states to track the offenders and administer their programs will be enormous with a diminishing return to the citizens.

These proposed regulations are bad public policy, counter-productive their stated goals, and a costly un-funded mandate on both States and Counties. It is my hope that the Justice Department will reconsider and amend these regulations prior to their adoption.

Sincerely,

Larry Neely

Rogers, Laura

From: Tim Poxson [REDACTED]
Sent: Wednesday, July 18, 2007 1:30 PM
To: christine_leonard@judiciary-dem.senate.gov
Cc: GetSMART
Subject: OAG Docket No 121

I am writing to you today as I have done many days since the SNORA Rules were posted.

Today however I will first start by saying I am a retired Police officer with over 25 years of service.

I am writing to you today from the hart to tell you how much I am against the SNORA as written.

I understand the need of those in government to be hard on crime, however the real truth is you should be smart on crime. Most of what the SNORA will do is cause more problems than good. This country now has over 600,000 sex offenders on sex offender registries. This number will grow to an number that is going to be two or more times what it is now. I am from the state of Michigan and we have over 38,000 sex offenders on the registry now. And the problem is that most of them are of no danger at all to the public. And when you talk to members of the public they will tell you that the sex offender registry is not what they think it should be. Of course many in the public think that if a person is on the registry they must be a danger.

As you write these rules and sit in your office, yes they may look good on paper but lets talk for a minute about what they are and are doing.

1. In some states they are causing sex offenders to move because of local laws passed or state laws. This is causing some sex offenders to go underground, or give false addresses. This is not good if you think that sex offender registries are a good thing.
2. They are causing law enforcement to use up very limited resources to check on and register low level offenders. This manpower could be better used to track and monitor high risk predators. (You will not hear many in law enforcement say this as since they are still on the payroll, it is hard for them to come out with any such statement because they would be taken as soft on crime.)
3. The SORNA will add more offenders that should not be on it, but they will be added only because they committed a low level sex offense, or in some cases they will be placed on it even though they have no conviction at all! The sex offender registry should be used only for those who have been convicted. And then only those sex offenders who are high risk offenders. The SNORA should adopt a tiered approach to identify these high risk offenders founded on empirically based risk factors.
4. The SONRA should provide a reasoned , circumspect petition process for removal from state and federal registries. No public good is served by stigmatizing and isolating low risk or rehabilitated people , exposing them to harassment, depriving them of normal opportunities for education, employment, and housing. Further more some of those who have been on public web sex offender registries, have been murdered. Some have had damage done to their property. And many have lost jobs. If the SONRA is not going to be punitive it must give the offenders a chance to show they are of no danger to anyone.

7/21/2007

5. Juveniles should not be required to be on any sex offender registry unless they were tried as an adult. In our country we have always treated juvenile offenders different than adult offenders. Research has shown time and time again that most youth who break the law during their childhood or adolescence can and will mature out of this behavior given the appropriate treatment and consequences. If however they are subject to having to be on a sex offender registry for 15 years, 25 years or a life time, they will not see any hope and will most likely keep going down a road of crime.

What I have seen first hand the sex offender registry now in place does.

1. causes some a loss of all hope and some give up and go back to crime.

2. I have seen people who are on the registry become the victim of an assault because they are on the public registry.

3. someone who was running a business, employing five people and was convicted of a minor sex crime. Well Michigan was going to require that all sex offenders must notify all those who work for him that he was on the sex offender registry, so this sex offender laid off his employees and moved his company to a smaller building so he could run the business himself.

4. a sex offenders female child was sexually assaulted because the boy said " your father is on the sex offender registry so you must be easy". (This police report is available from the a sheriff department in Vermont.)

5. The public that uses the sex offender registry in Michigan (the SORNA will be the same way) has very little understanding of who is a danger, and who is not so they give up. If they do not give up they feel that they are safe from any sexual assault because they know were all the sex offenders are that live near them. The problem with this type of thinking is as you know already; over 90% of sexual assaults are committed by a person well known and trusted by the victim. With over 50% of sexual assaults committed by a family member.

6. The public is not told that the US Dept. of Justice Bureau of Justice Statistics on Recidivism show that within 3 years of release from prison 3.5% of sexual offenders are re convicted for another sex crime. This is one of the lowest recidivism rates with the exception of those who are in prison for murder.

7. Sex Offender Registries have created a group of people that the government has given the public the license to hate and hurt. And the government has given those in the public that may want to hurt; the name and address and all the other information about this group, making it easier to find them to hurt them or do damage to their property. This group of people are hated more than blacks people were by some in the public. More hated than Jewish people were hated under the germans. So hated that they have been added as a target group the KKK will go after. The government has feed this hate by not giving the public all the facts on who is committing most sex crimes. The government has made sure that the public does not forget to hate this group of people, by naming the laws after children that were killed (this is an act by the goverment of putting gas on a fire.)

8. Because of sex offender registries; some will not report to the police that a family member is sexually assaulting them, because they fear a loss of the home they live in when that offender is placed on a Public sex offender registry. They do not see the government as trying to aid the offenders to get appropriate treatment, helping the offender to end this cycle of assault. And then letting the offender move forward as a productive member of this society. They see the governments role as only to oppress

the accused and the family of the accused.

9. THE REAL TRAVESTY IS THAT A MAJORITY OF THOSE OFFENDERS THAT WILL FOLLOW ALL THE RULES OF THE SONRA, WILL NOT RE OFFEND AT ALL. IF ALL ONE HAS TO DO TO STOP CRIME IS PASS LAWS, THEN WE WOULD HAVE NO CRIME AT ALL. Those offenders that are going to re-offend will do so with or without the SONRA. The SONRA will be of limited help to investigate sex crimes after the fact if it is loaded with so many sex offenders on it. By placing those who are at greatest risk to re-offend on sex offender registries we are then able to use it as a law enforcement tool. And by setting up a system of reward for not doing any more sex crimes the sex offender is then rewarded by being able to petition the court for removal from state and federal registries. This one thing would be far greater in Crime Prevention effort than all of the money the states and federal government have already put into crime prevention legislation they have enacted to date.

So after saying all of that you must think I am against sex offender registries in total. NO I AM NOT! I want the government to place only those of high risk to re offend on sex offender registries as I stated those who are identified as high risk offenders founded on empirically based risk factors.

The SONRA is as written a punitive measure, that shows that this Attorney General has forgotten he is the Attorney General for all the people, not just an official that works only for the government. The A.G.'s office should do what is right and re write the rules for the SONRA. You are not elected to office so you could be looking at all sides of an issue.. You were appointed to office not to enact rules that will be seen as ex post facto. I welcome any return e mail to my comments. I am open and willing to hear your thoughts also.

WE MUST MOVE FROM BEING HARD ON CRIME TO BEING SMART ABOUT CRIME. Only then will we place some of the burden on the criminal to stop the criminal behavior. Being hard on crime has not reduced crime at all.

Rosengarten, Clark

From: Rogers, Laura on behalf of GetSMART
Sent: Thursday, July 26, 2007 3:46 PM
To: Rosengarten, Clark
Subject: FW: OAG Docket No 121

From: Tim Poxson [REDACTED]
Sent: Wednesday, July 25, 2007 4:13 PM
To: GetSMART
Cc: christine_leonard@judiciary-dem.senate.gov
Subject: OAG Docket No 121

I hope you will take the time to read this artical. thank You Tim P.

http://www.usatoday.com/news/nation/2005-03-24-sex-offenders-usat_x.htm

Girl's death raises questions about tracking of sex offenders

By Mark Memmott, USA TODAY

The arrest of a convicted sex offender this week in the kidnapping, rape and murder of a 9-year-old Florida girl underscores a national problem, experts say: Authorities don't have enough money to identify, treat and monitor the sex offenders most likely to repeat their crimes.

John Couey's name was on Florida's sex-offender registry when he got a job at Jessica Lunsford's school.

By Phil Sandlin, AP

"The systems at the state and federal levels need to be fixed," says Allison Taylor, executive director of the Texas Council on Sex Offender Treatment, which coordinates that state's sex-offender treatment strategies.

"We have 41,000 names on our (sex offenders) registry," she says. "If we could take our money and focus it on the 10% or so who are most likely to reoffend, we could make great progress."

In fact, most sex offenders are less likely to reoffend than other criminals.

Studies show that most sex offenders do not reoffend after being caught," says Karl Hanson, a psychologist and senior research officer at Public Safety and Emergency Preparedness Canada, that country's

equivalent of the U.S. Department of Homeland Security.

Hanson, one of the world's leading authorities on sex offenders, says counseling, an offender's past, and even polygraph tests help identify the "highest-risk reoffenders." Those individuals need to be imprisoned for "very long sentences," he says.

Jessica Lunsford was reported missing from her home in Homosassa, Fla., on Feb. 24. Her body was found March 19, buried behind the trailer home in Homosassa where John Couey had been living. The grave was 150 yards from □ and within sight of □ Jessica's home. Couey, 46, has been charged with murder, battery, kidnapping and sexual battery on a child under the age of 12.

Couey had been convicted in 1991 of committing a "lewd and lascivious act in the presence of a child." The police report filed at the time stated that Couey exposed himself to a 5-year-old girl, masturbated in her presence and had her touch his genitals, according to Officer Ralph Herrera of the Kissimmee (Fla.) Police Department.

Couey was sentenced to five years in jail for that crime and served about four years.

Though Couey's name was put on Florida's registry of sex offenders after its creation in 1996, he still was able to get a job on a construction project at Jessica's school last year. He had informed the local sheriff of his presence in the county, as sex offenders in the state are required to do, but apparently no one checked his criminal record when he applied for the job.

Jessica's murder and Couey's arrest have prompted Florida state Rep. Charles Dean to draft legislation that would require the state's convicted sex offenders not only to be registered and to report their whereabouts to authorities, but also to wear GPS tracking devices after being released from prison.

About 50,000 names are on the state's sex-offender registry.

Experts who treat sex offenders say tracking devices and registries alone won't protect the public. "If we're just going to go down that path, we do ourselves and society a great disservice," says Fred Berlin, director of the National Institute for the Study, Prevention and Treatment of Sexual Trauma in Baltimore and a professor of psychiatry at Johns Hopkins University.

What's not widely understood, Hanson and other researchers say, is that most sex offenders are relatives or acquaintances of their victims □ not strangers such as Couey. Few are on the registries.

Studies show that fewer than 3% of convicted rapists are arrested for the same crime within three years of their release, and "10% to 15%

(of all sex offenders) will be recaught or rearrested" within five years, Hanson says.

Both percentages are well below recidivism rates for most other types of criminals.

If correct treatments are used, Hanson says, studies show the recidivism rate for sex offenders drops even further.

That's why federal and state agencies need to concentrate their spending on the worst offenders, Texas' Taylor says.

Taylor says the state must try to keep tabs on everyone on the registry, no matter how likely each is to commit another crime. That drains money from efforts to identify, treat and monitor the most hard-core offenders.

"Our thinking needs to be overhauled," Taylor says. "And it's really sad that it takes the homicide of an innocent child for us to take a step back and look at these things."

Rosengarten, Clark

From: Rogers, Laura on behalf of GetSMART
Sent: Monday, July 30, 2007 11:56 AM
To: Rosengarten, Clark
Subject: FW: OAG Docket No 121

From: Tim P [REDACTED]
Sent: Friday, July 27, 2007 4:06 PM
To: GetSMART
Cc: christine_leonard@judiciary-dem.senate.gov
Subject: OAG Docket No 121

The SORNA and what can be done to improve it and make it work to protect the citizens of the USA.

It is imperative for the safety of USA citizens that we reduce the unintended, detrimental consequences to young people and low risk offenders, their families, and out communities. To that end these are some of the changes that should be made to the SORNA.

Remove the registration requirement for juvenile offenders. There are enormous differences between the nature of juvenile offense and those of an adult, predatory sex offender. Research demonstrates that most youth who break the law during their childhood or adolescence can and will mature out of this behavior given appropriate treatment and consequences.

Remove the registration requirement in the SORNA for individuals who do not have a conviction on their record. Individuals who are now on sex offender registries are losing jobs, housing, and educational opportunities, solely because they are included on a sex offender registry.

Adopt a tiered approach to identify high risk offenders founded on empirically based risk factors. The SORNA is so broad that law enforcement will be more hampered in its efforts to protect the citizens of the USA from high risk offenders. Law enforcement is going to be forced to use more precious resources tracking low risk offenders rather than monitoring high risk predators.

Provide a reasoned, circumspect petition process for removal from state and federal registries. A provision is needed to allow registered individuals, identified empirically as low risk to the community, the opportunity to petition for release from the registry. No public good is served by stigmatizing and isolating low risk or rehabilitated people, exposing them to harassment, and depriving them of normal opportunities for education, employment, and housing.

Establish a central location/ agency to assist registrants with compliance in each state. A definitive resource should be available to answer questions regarding sex offender related laws and the specified registration requirements. Currently, it's difficult for individuals to comply with the sex offender laws because they are hard to interpret, frequently modified, and difficult to access. This will even become a bigger problem with the onset of the SORNA. Because of these challenges, law enforcement agencies and municipalities are now often misinterpreting and misapplying the law.

Rosengarten, Clark

From: Rogers, Laura on behalf of GetSMART
Sent: Tuesday, July 31, 2007 11:02 AM
To: Rosengarten, Clark
Subject: FW: OAG Docket No 121

From: Tim P [REDACTED]
Sent: Monday, July 30, 2007 3:53 PM
To: GetSMART
Cc: christine_leonard@judiciary-dem.senate.gov
Subject: OAG Docket No 121

The SORNA states that it is trying to bring together all the past laws and make it easier to deal with the issue of sex offenders. One such law was the Jacob Wetterling law passed by many states. One of the founders of the Jacob Wetterling foundation **Patty Wetterling**, (mother of the victim) has gone on record that the SORNA and many of sex offender laws have gone "to far". In doing so she is trying to call your attention to the problems that many of these laws have crated. Furthermore she pointed out that these laws were supposed to be be for the worst of the sex offenders. The SORNA is a far reaching law that will sweep up all sex offenders even those that are no risk, and paint the offender with one rush. Just as no one can say that all the people who hold political office are just out for themselves, no one can say that all sex offenders are going to go back to do a sex crime. The US Dept. Of Justice statistics on recidivism even paint a different picture. 3.5% re convicted of a sex crime within 3 years of release from prison is one of the lowest recidivism rates among all criminals. Even **John Walsh** the father of the victim this law is named after **Adam Walsh**, has gone on record as saying his intent for this law was just to "make the public aware of those sex offenders that are the most danger". This is not were the SORNA has gone. The SORNA does not mandate a tiered approach using testing to find out which sex offenders are at most risk to re offend. The SORNA does not mandate tiered approach to identify **high risk offenders using empirically based risk factors**. The SORNA could be a chance to correct these issues. The public should be protected from high risk sex offenders. And low risk offenders should have the right to continue a life free of crime, free of harassment, free of a loss of housing, job opportunities and educational opportunities.

Rogers, Laura

From: [REDACTED]
Sent: Thursday, June 28, 2007 4:38 PM
To: GetSMART; christine_leonard@judiciary-dem.senate.gov
Subject: OAG Docket No 121
Attachments: 6-27-07 SEX OFFENDER LAWS UNDER FIRE.htm

Attached is an artical about the sex offender laws from a person who had a child killed by a sex offender. You should take the time to read it you will see that Mrs. Wattering does not support the direction these laws are taking.

http://www.operationawareness.com/whats_new.html

7/21/2007

I. Smith
[REDACTED]
[REDACTED]
[REDACTED]

Laura Rogers
Director
Smart Office
Office of Justice Programs
DOJ
810 7th St. NW
Washington DC
20531

RE: SORNA REGULATIONS Docket #OAG 121

Dear Ms. Rogers:

The following comments pertain to the proposed guidelines "to interpret and implement the Sex Offender Registration and Notification Act."

OVERVIEW:

The Supplementary Information states:

"the Sex Offender Registration and Notification Act (SORNA), contains a comprehensive revision of the national standards for sex offender registration and notification. The SORNA reforms are generally designed to strengthen and increase the effectiveness of sex offender registration and notification for the protection of the public, and to eliminate potential gaps and loopholes under the pre-existing standards..."

First, the governmental interest in originally enacting the registration requirements was the protection of the public. The foundation for said protection was the stated allegation that convicted sex offenders posed a high risk of reoffending. That foundation no longer supports increased registration legislation. The DOJ's own statistics reveal that less than 6% of convicted sex offenders were arrested for a new sex offense over a 3 year period, see <http://www.ojp.usdoj.gov/bjs/crimoff.htm#recidivism>.

These statistics are consistent with findings by the states of Minnesota, <http://www.doc.state.mn.us/documents/04-07SexOffenderReport-Recidivism.pdf>, and Pennsylvania, <http://www.cor.state.pa.us/stats/lib/stats/SexOffenderResearch.2005.pdf>.

Second, experts in the field generally agree that the more restrictive the sex offender regulations, the less effective they become, which puts the public at greater risk as the



offenders tend to go underground just to co-exist. Which is why a varied collection of experts, advocates, citizen groups and law enforcement personnel are speaking out against sex offender regulations that have become counterproductive. <http://minnesota.publicradio.org/display/web/2007/06/11/sexoffender1>. This includes Patty Weterling.

Third, there is nothing in the record to suggest the states are not providing adequate public safety with respect to registration of convicted sex offenders. "Potential gaps and loopholes" has no real meaning.

SECTION 114(a)(7)—Internet Identifiers and Addresses:

First, this subsection applies to all RSOs, not just those whose crime involved the use of a computer or the Internet. Those on conditional release are already required to provide this information. This is a sweeping requirement indicating punishment, not public safety, is the thrust of the regulation. In addition, Internet identifiers and addresses are not like home addresses. Google an internet identifier and you not only see where the individual has gone, but the content of any postings. These postings would include political speech, medical forums, case research, etc. There is no corresponding regulation with regards to tracking one's regular mail, nor could there be.

Second, the proposed guidelines contemplate a scenario that would allow third part website administrators to access the non-public Internet identifiers and addresses to block RSOs from accessing their websites. This is state sanctioned censorship. Using privacy information controlled by the government to deny a RSO the right to engage in legal conduct, free speech, is clearly a violation of the First Amendment.

SECTION IV.A. Convictions Generally:

"...or under which the convictions of such sex offenders may nominally be ``vacated'' or ``set aside,'' but the sex offender is nevertheless required to serve what amounts to a criminal sentence for the offense. Rather, an adult sex offender is ``convicted'' for SORNA purposes if the sex offender remains subject to penal consequences based on the conviction, however it may be styled. Likewise, the sealing of a criminal record or other action that limits the publicity or availability of a conviction, but does not deprive it of continuing legal validity, does not change its status as a ``conviction'' for purposes of SORNA."

It's unclear from the above language whether Sorna applies to "expunged" records, which of course are sealed documents. Under Missouri law, revealing the contents of sealed documents, absent specific and narrow exceptions not applicable here, is a class B misdemeanor <http://www.moga.state.mo.us/statutes/C600-699/6100000125.HTM>. In fact, one can deny the conviction without consequence, absent the same exceptions.

A federal rule that forces one to commit a state offense in order to comply with said rule is unconstitutional on its face. Carving an exception for sex offenders would also violate the Equal Protection Clause, as the benefits of an expunged record must apply to all.

If SORNA does apply to "expunged" convictions, serious Constitutional considerations are at stake, which will likely involve protracted litigation.

For these and other reasons, the proposed guidelines need to be revised and rethought.
Thank you.

Sincerely;

July 26, 2007

Rosengarten, Clark

From: Rogers, Laura on behalf of GetSMART
Monday, August 06, 2007 10:47 AM
Rosengarten, Clark
Subject: FW: Comments on Proposed SORNA Guidelines
Attachments: Comments on SORNA - 2007.doc



Comments on
SORNA - 2007.doc (.doc)

-----Original Message-----

From: [REDACTED]
Sent: Wednesday, August 01, 2007 2:24 AM
To: GetSMART
Subject: Comments on Proposed SORNA Guidelines

Please see attached MS Word file.

Thanks.

Dear Sir(s),

When I was 7 years old, I never could have imagined that someday I'd be in this position.

When I was 7 years old, it was 1977, and the nation as a whole had a different outlook on sex crimes, and crimes against children. My parents were advised by the police, then, to not press charges, as the word of children would not be held against the word of an adult. Sadly, this was in California, which has had a sex offender registry since the 1950's (if I recall correctly). Whether Mr. Randolph was on the registry or not, I don't know – the registry was not available to the public, or if it was, that fact was not made known to my parents – it's moot; Mr. Randolph died when I was still very young. But there was no closure, for me or my two sisters – who were 5 and 3 years old at the time. This shared abuse affected each of us in different ways – I did receive some therapy from a child counselor, but it never really treated the underlying feelings of shame and sexual discomfort.

Many children survive their abuse with determination to do better, and to make reforms towards a safer society. Other children lock their emotions inside, and release it later inappropriately, to the detriment of their standing in society – and their rights to enjoy the pursuits of “life, liberty, and happiness” with the same ease as their fellow citizens. Sadly, they allow themselves to become like those who abused them – even when the crime itself might be quite different in nature.

I am pleased to see that the legislative and judicial landscapes have changed, and that children's voices are heard in courts, and are taken seriously when they report abuse – whether it be by a family member, a stranger, or the neighborhood children librarian's husband, whom she assisted by luring in the local kids with books to read.

There are still generations of victims, however, who did not receive proper therapeutic assistance, and did not feel their voices were heard by any Higher Authority. I ask that you hear mine now, and consider my thoughts on the SORNA guidelines, as proposed by the Attorney General. I will do my best to only comment with subjective merit.

My concerns, which I will elaborate following, and which are touched on in the SORNA requirements, have to do with not causing unreasonable hindrance of “life, liberty, and the pursuit of happiness” to classified “low risk” / Tier I offenders who have a good record of post-conviction conduct, and are making efforts to be productive, contributing members of society.

| |
|--|
| Specific Comments as Relate to SORNA Requirements |
|--|

- **I feel that Tier I offenders should not be listed online, or not in their entirety; I do agree that Tier I offenders need to register with local jurisdictions, as it IS an active deterrent:**
 - The average person is not properly educated about what constitutes a “sex offense”, and sees only “child molesters” in that terminology. Regardless of any disclaimers put to the web site, large portions of the population will continue to associate “registered sex offenders” with “child molesters”.
 - At a minimum, Tier I offenders should be identified as being low risk sex offenders, making clear that the underlying conviction was not for a crime against a child (as applicable), or specifically a sex act upon another person (as applicable)
 - The information made available online should be less specific, such as county or general zip code (but without address publication), for Tier I offenders required to be listed online; full information would still be retained by registering jurisdictions.

- A further concern is the trend to require registration of online identities and e-mail addresses. I understand the concern where the sex offender has targeted minors, or has previously committed crimes through the use of the Internet as a medium. I do not see where it should be enforced on those that have not committed such crimes, as even sex offenders may have legitimate reasons for establishing online personas – such as adult social networking, or to maintain contact with friends from other locales.
- **SORNA has the primary stated purpose to protect the public, rather than apply further punitive actions to the sex offender (aka Title XII – Comment 1).**
 - Could it feasibly be made to include the availability of funded programs to assist those offenders who are earnest in being rehabilitated. Some programs are more effective than others (Washington State, for example), and most “sex addictions” are related to some underlying abuse or neural inhibitor issue. “Sex Offender Treatment Programs”, as called for in SORNA Title XII, are not unilaterally available and affordable.
 - Rehabilitation should be a goal of SORNA, as this removes the ‘sex’ component from the offenders methodology, and thereby protects the public welfare.
 - Treatment for victims who were Minors, at the time the crime was committed, should also be included, perhaps offset by additional registration costs paid for by Sex Offenders whose crimes were committed against Minors. The cycle of “Offender:Victim → New Offender:New Victim” needs to be prevented – or, at least, minimized.
- **For a “non-punitive” set of regulations, sex offender registration is easily perceived as being punitive, while under its jurisdiction (aka Title XII – Comment 2).**
 - It limits accessibility, and basic rights to the pursuit of life, liberty, and happiness for all classes of sex offenders, without regard to circumstances or outside factors.
 - I would like to see a national standard for a “Certification of Rehabilitation”, which would be applied to all jurisdictions unilaterally, upon satisfaction of its requirements. This would be an expansion on the rules of Title XII (Duration of Registration). This amendment to that title would reinstate full rights (except handgun ownership for convicted felons) to the “offender” for all of the states, territories, and tribes of the USA; as exists now, one can be relieved of duty to register in one jurisdiction after 15 years, but still be required to register in a second jurisdiction for 25 years – which could create the “circular” argument in a third jurisdiction of the need to register, in that the offender is still required to register in at least one other jurisdiction.
- **Some offenders are of a class deemed “low risk” in their “native” jurisdictions, and afforded certain protections relating to what is available to the general public online.**
 - In the case where a jurisdiction requires registration SOLELY on the basis of the registrant being required to register in the jurisdiction where a “registerable” offense was charged & convicted, and not for an underlying crime that would also be “registerable” if committed in THAT jurisdiction, the information collected and shared with the public should be based on what the native jurisdiction would require.
 - The intent of such “jurisdictional inclusion” regulations was to prevent offenders from leaving one jurisdiction to a less effective jurisdiction, to evade registration requirements; while I applaud that effort, the reverse should be noted, as the crimes which qualify as a “sex offender” vary amongst jurisdictions, and the native community to a jurisdiction may not understand that a non-resident’s sex offense may be for a less severe act of a sexual nature.
 - At a minimum, I would offer that online registry wording includes that out of state offenses be noted as such, and to identify the original jurisdiction; the ideal would be that

out of jurisdiction offenses would carry the same penalty in a non-local jurisdiction as it would in the originating one, given that ours IS a "mobile nation".

- **For those whose work requires travel, whether as a consultant, truck driver, construction worker, or other profession; the associated provisions of SORNA and local jurisdiction requirements becomes a burden that can compromise the security of said job, and the effective ability of the offender to contribute most effectively not only to society, but to their own rehabilitation.**
 - I would like to offer a provision for a Federal component of SOR, whereby a person whose position requires travel could register with a Federal jurisdiction body, and carry an identification card demonstrating compliance for other jurisdictions. The program could be limited by offense type, and length of time as a registrant without acquiring new convictions, or other deemed appropriate restrictions, in line with the reasoning of Title XII's "registration durations".
 - A person participating in such a "Federal Mobile" program, when traveling for legitimate reasons, would notify their federal contact, verify their primary address (if changing), notify of their temporary secondary address(es), length of stay(s), means of contact, and other pertinent information.
 - The federal contact would notify the local jurisdiction, and provide the underlying offense information as required; if the local representative required a face-to-face verification with the offender entering his/her jurisdiction, arrangements could be made that didn't compromise either's schedule (as this is a facet of doing business as a sex offender, and not a punitive action).
 - The registrant would appear on the National website, and their "permanent residency" jurisdiction's website, but would not be placed onto the websites for "temporary residency" jurisdictions. A time component would be included; perhaps a stay of more than 14 days (which many states default as their temporary residence reporting time) constitutes a 'temporary move', and allows them to be placed, on that temporary basis, on the local jurisdiction's web site.
 - If such is not feasible, then a "Good Faith" provision by which if a registered sex offender contacts a jurisdiction to verify their requirements, for short-term travel into that jurisdiction on the behalf of their existing "home state" employer, and is given inaccurate or false advice by that jurisdiction's authorized representative, the sex offender won't be considered to be in violation of reporting requirements for either jurisdiction, except such as that he/she fails to comply with officials once the miscommunication is made clear.
- **Petition for Clemency in Application of Registration Provisions.**
 - For those sexual offenders that have demonstrated good behavior, have not had subsequent convictions, are considered to be of "low risk" to re-offend, and have demonstrated an ability and willingness to contribute positively to society, and expressed remorse for their past grievances.
 - Perhaps with a requirement for therapy, and regular reports by the therapist to the registering jurisdictional agency, to verify that the offender appears to remain low risk.
 - The specifics of the "Clemency" (assuming that's the correct term) would be to allow that the Sex Offender, while being required still to register, and not being (as yet) eligible to be relieved of their duty to register, would be omitted from the online published registry of sex offenders. (Perhaps with the provision that members of the public could still appear in person at their jurisdiction's registration authority, and request information about any (real or suspected) sex offenders living in their community.

As you may have surmised, I am a Registered Sex Offender in a subsequent jurisdiction, for a crime committed in California in 1992, which if committed in my residing jurisdiction would not have been a registerable offense: indecent exposure (self-gratification in my vehicle, witnessed by an adult female).

Most jurisdictions in the USA do not count this as a registerable offense, but do uphold the requirements of other jurisdictions' registration laws, to discourage offenders from relocating solely to bypass the registration requirements of the jurisdiction in which the offense was committed. I can not argue the intent and validity of this action, as it has its merit.

I was provided "alternative sentencing" in a "Furlough" program, which allowed me to pursue my B.S. degree at San Jose State University; I resided in a supervised dormitory facility, with both Work and Student furlough participants, for about 4 months. I served a total of five years of Adult Probation, and have made every effort to be compliant in meeting my continuing registration requirements. I have had no convictions in any jurisdiction since my registering offense in 1992 (sentenced in 1993).

At this time, I participate in a 12-Step program, and regularly see a therapist to discuss my abuse, interpersonal relationships, mourning of loved ones, and past inappropriate behaviors (not a jurisdictional requirement). I was also diagnosed with Sleep Apnea, and currently use a CPAP medical device; this corrected many of the underlying patterns of impulsivity and rash decision-making.

My personal interests, naturally, may have biased my preceding input; I rely on the judgment, and learned education, of those reviewing these comments, to sort through the words and apply merit where so warranted. Please comment back if you have any questions, wish a point to be clarified, or require personally identifying information so as to weigh my input.

- **Addressing the SORNA requirements as both a child molestation victim, and a registered sex offender, I understand the challenges and concerns from both sides – and limitations.**
 - I agree that parents need to know about potential child predators, and have a right to pursue relief from those that have assaulted their children.
 - I don't know that the Registration in of itself does that, as generally speaking, those stories that grab the media's attention more often involve offenders who did not register, moved to evade registrations, or gave false information; increasing penalties and tightening regulations only puts additional duress upon those sex offenders who are, and have been, in compliance with the registration programs' requirements.
 - The laws will not prevent high-risk offenders from exploiting loopholes, or otherwise going "underground", as I have seen them written. Furthermore, greater penalties increase the chances that repeat child molesters will harm their victims, in an attempt to avoid or prolong capture and prosecution. I am concerned that political aspirations might be driving some legislation which, by its design, ultimately puts child victims in greater physical jeopardy – at least, according to the "newsworthy" trends.
 - Most parents don't look at their child victim and see that they could become an adult offender; parents, children, and the public need "sex offense awareness" training, both to recognize suspect behavior in persons close to their children, and to promptly assist their children in receiving treatment if their child has been the victim of a sexual nature crime.
 - SORNA doesn't address the underlying factors that create new sex offenders, despite the publicity, and the "now-known" consequences of being classified as a 'sex offender'.
 - Laws need to be applied to male and female equally – still illegal in some states for only a male to look into a female's window, and not the other way around.

- Laws need to be applied to rich and famous alike – this includes young, pretty famous ladies, such as Paris Hilton, Lindsay Lohan, and Britney Spears, who expose themselves to photographers and the public, essentially flaunting that they their lives do not have the same limitations and repercussions as those of other citizens – not to mention sending mixed messages to our youth.
-

Thank you for making the time to review this commentary on the proposed SORNA guidelines. I hope that it has been a positive contribution, and that it will carry some weight for discussion of existing and proposed sex offender provisions. I understand that it may not be taken as having full merit, with the admission that I am directly affected by its application; I feel, however, that this admission adds to the integrity of the review and commentary, as I have not attempted to mask the extent to which it is a personal issue for me, as both a surviving child victim and an adult sex offender.

I appreciate the task before you, in weighing judicial, political, and humanitarian concerns. I honestly pray that you will find value in what I have contributed here, and will implement some aspect of it, as I feel these concerns are representative of other concerned parties' feelings, balanced with what is good for the overall security and safety of the general populace – and especially of our children.

Sincerely,

July 31st, 2007,

Rosengarten, Clark

From: Rogers, Laura on behalf of GetSMART
Sent: Monday, July 30, 2007 11:55 AM
To: Rosengarten, Clark
Subject: FW: OAG Docket No. 121

-----Original Message-----

From: Maria Kupillas
Sent: Friday, July 27, 2007 5:43 PM
To: GetSMART
Subject: OAG Docket No. 121

To Whom It May Concern,

I am writing to express my concern regarding the proposed national guidelines for sex offenders. While protecting our children from pedophiles should be a priority for our justice system, consideration should be given to those who are labelled as sex offenders but whom the law was clearly not intended to cover. Specifically, those who are on sex offender registries as a result of youthful indiscretions.

As such, I make the following suggestions:

- 1. The State should be able to take existing offenders who qualify for exemption as per the new legislation off of the registry without fear of losing federal funding.
- 2. Solicitation of a Minor to engage in sexual conduct, any direction, request, enticement, persuasion or encouragement of a minor should have an exemption for teens within three years of age.
- 3. A clause should be added to allow offenders under the age of 18 or within three years of the age of the victim to be categorized as a level one offender if the state deems them to be a low risk to re-offend.
- 4. The guidelines do allow states to elect to allow a non public registry for level one offenders.
- 5. States should be able to decide if offenders within three years of their victim that committed a felony are eligible for the level one non- public registry. Many states today have this non- public registry for youthful offenders that are considered a low risk to re-offend. The new guidelines as written would take this option away. The states should, however, continue to be permitted to have a non-public registry for these youthful offenders.
- 6. Tier one offenders can petition for a shorter registration of 10 years if they successfully complete a sex offender treatment program certified by jurisdiction. This should only be if you were sentenced by the judge to do so. If it was not required at sentencing then it should not be required for the petition.
- 7. In a tier system a level two offender is required to register for 25 years. A clause should be added that allows offenders who are within three years of the victim to petition for a reduction in years of registration if their record is clean for 10 years.
- 8. Some states, like Michigan, allow for a reduction in years of registration for offenders convicted of a felony, who were within three years of the victims age, who have completed probation, who have been prosecuted specifically because of the age of the victim and who have proven that they are at low risk to re-offend. These offenders have had their registration reduced to 10 years by a judge. The new guidelines would require these same individuals to now register for 25 years. This should be changed to allow the individual to register as per the judge's decision. The Michigan law should be considered a model for the implementation of national guidelines.

Thank you for your consideration.

Maria R. Kupillas, Esq.
[Redacted]
[Redacted]

Rosengarten, Clark

From: Rogers, Laura on behalf of GetSMART
Sent: Monday, July 30, 2007 11:50 AM
To: Rosengarten, Clark
Subject: FW: OAG Docket No. 121

From: [REDACTED]
Sent: Saturday, July 28, 2007 4:51 PM
To: GetSMART
Subject: Re: OAG Docket No. 121

Dear Director Laura L. Rogers,

I am writing you concerning the new national sex offenders guidelines under review by the Smart Office. I want every effort made to eliminate registration altogether for youthful indiscretions. Clearly these are not individuals the American public wants on sex offender registries. The purpose of the registry is to protect children from predators. As the Godfather to a 4 year old girl I appreciate the spirit and intent of the law. At the same time, I am also a relative of a youth whom, at 18 years of age, received the stigma and punishment reserved for sex offenders for consensual sex because his partner, who was only a few months younger, was under the age of 18 years old. In this day and age this type of injustice is not acceptable.

Below are a few additional clauses I would add to your guidelines.

1. It is very necessary for the State to be able to take existing offenders who qualify for exemption as per the new legislation of the registry without fear of losing federal funding.
2. Solicitation of a Minor to engage in sexual conduct, any direction, request, enticement, persuasion or encouragement of a minor should have an exemption for teens within four years of age, otherwise many teens could become susceptible to this offense.
3. In a Tier system, Tier one, as written, can not include Romeo & Juliet cases that involve intercourse because it only includes cases that involve jail sentencing of less than a year. All cases where intercourse or oral sex is involved would require sentencing of more than a year. A clause should be added to allow offenders under the age of 18 or within four years of the age of the victim to be assessed as a level one if the state deems them to be a low risk to re offend. In this way a state has the option to take their residence prosecuted in their state off the registry and they have options on how to treat a offender coming in from a stricter state.
4. The guidelines do allow states to elect to allow a non public registry for level one tier. States should be able to decide if offenders within four years of their victim that committed a felony are eligible for the level one non public registry. Many state today already have this non public registry for youthful felonies that are considered low risk to re offend, the new guidelines as written would take this option away. This option must remain in tack for the states.
5. Tier one can petition for a shorter registration of 10 years if they have a clean record for the ten years. It should only require a clean sexual record.
6. Tier one can petition for a shorter registration of 10 years if they successful complete a sex offender treatment program certified by jurisdiction. This should only be if you were sentenced by the judge to do so. If it was not required at sentencing then it should not be required for the petition.
7. In a tier system a level two offender is required to register for 25 years. A clause should be added that allows offenders who are within a 4 year age difference of the victim to petition for a reduction in years of registration if

7/30/2007

their sexual record is clean for 10 years.

8. Some states like Michigan already allow for reduction in years of registration for offenders, convicted of a felony, who were within three years of the victims age, who have completed probation, who have been prosecuted specifically because of the age of the victim and who have proven that they are at low risk to re offend. These offenders have had their registration reduced to 10 years by a judge. The new guidelines would require these same individuals to now register for 25 years. This should be changed to allow the individual to register as per the judges decision.

With careful consideration of all who might be affected by the national sex offender registry, the results sought, i.e., to protect children, can be achieved.

Sincerely,

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

Got a little couch potato?

Check out fun summer activities for kids.

From: [REDACTED]
Sent: Sunday, July 08, 2007 4:22 AM
Subject: GetSMART
OAG Docketr no. 121 SORNA response

As a citizen and member of the public I would like to make the following suggestions regarding SORNA :

1. Provisions and regulations should BE ADDED for the use of such information by any non-governmental organization or agency.
 - a. Prevents misuse of information
 - b. Pre set guidelines for agencies or contractors that may form the business of maintaining the tracking system.
2. Define the Tiers by risk or crime and not the punishment; Crime definition remains the same / punishments differ .
 - a. Would reduce confusion, maintain ease of tier placement / classification by jurisdictions
 - b. Promote public and jurisdictional confidence of the system.
 - c. It would promote fairness.
 - d. It would prevent movement of SOs; If all states had the same mandatory guideline, SOs would not keep moving around causing more havoc for the tracking system ? which is the goal for public safety.
3. Jurisdictions must NOT be free to exceed the SORNA minimum standards.
 - a. Decrease Jurisdictional and cross-jurisdictional confusion and differences.
 - b. Would standardize across the board.
 - c. Make it a comprehensive mandatory system. Remove the word ?guideline?
Increase the public?s trust in the system.
 - d. Increases the understanding and education of all parties.
4. Jurisdiction MUST NOT include address, telephone #, email, IM, employment
 - a. Protection from harassment
 - b. Promote reentering into society (work).
 - c. Public should use their own zip code to research local SOs
 - d. Public should then call law enforcement for any further issues.
 - e. Serve and protect the public - SOs are part of the public also. We would want these SOs working, paying taxes, and not living under bridges.
5. SO Harassment by the public: Sec 118 (F) change wording from MAY to SHALL or WILL BE
 - a. Discourage public misbehavior
 - b. Promote SO confidence in the system thereby promoting compliance
6. Sec 118 (c) Make it MANDATORY for jurisdictions to keep Tier I off public registry.
 - a. Tier I are your low risk
 - b. More likely the ones trying to return to society and no re-offense
 - c. For public Safety, the Tier III photos should stand out in the registry - not lost in the sea of faces of low-risk offenders.
 - d. Make it work the best for the public.
 - e. Make it an efficient system for the tracking agencies.
7. Reduce punishment time for Failure (10 years)
 - a. Provide a First infraction leniency
 - b. Have the punishment fit the crime.
 - c. Promote compliance ? positive outcomes, such as reduction in monthly fee
 - d. Provide toll free phone numbers to make access reasonable
Provide access for notification from any jurisdiction ?.
8. Residency restriction ? standardize
 - a. Promotes confidence w/ public
 - b. Prevents movement of SOs

- c. Facilitates tracking system
 - d. Better understanding for all parties
9. Provide for a data collection resource
- a. Mandate statistical evaluation
 - Cause of death & crimes against SO vs Crimes & deaths committed by SO
 - Mandate annual report
 - d. Interpret system's public safety effectiveness
 - e. Determine the effects on the SOs
10. Include a system to remove the SO from the registry:
- a. Three days within completion of the term of compliance
 - b. Three days from the death of the SO

Thank you for allowing me to voice my opinion and suggestions.

Need a brain boost? Recharge with a stimulating game. Play now!
http://club.live.com/home.aspx?icid=club_hotmailtextlink1

From: [REDACTED]
Sent: Wednesday, June 20, 2007 4:04 PM
Subject: GetSMART
SONRA Issues

Aside from constitutional issues which need to be addressed, here are some things I and others feel need to be considered before enacting these laws.

1. Sec 118 subsection (f) This is the section on using the list to cause injury or harassment to commit may be a crime.

Issue; I feel the word may should be changed to shall result in civil and criminal penalties. This would require if the word shall were put into the law the police would have to take a report if an SO is harassed or injured because their information was on the SOR.

2. Sec 114 (a) (7) this section states that if a SO is going to stay in any one place more than 7 consecutive days they must register that location as one they may stay in.

Issue; I feel that this should read in 7 seven days anyone calendar year

3. Sec 114 (a) (6) (a) (7) All vehicles including water craft or any type of vehicle shall be part of the SOR.

Issue; As I see it this information should only be available to Law Enforcement and be added to section 118(b) and Part VII as mandatory excluded information from the public. I have many reasons that I feel this information should not be public. But the main one was what happens when other people drive that vehicle; not the SO, these people will be subject to possible road rage and harassment as they travel down the roads, this will be a danger to all the people around them. Furthermore this could cause more unjust convictions of person on the SOR as this would give a person enough information on the SO to report a false crime that the SO did.

4. Sec 113 (a) (b) (c) and also in sec. 117 (a) This is the 3 (Business days) day rule that req. the SO to report any change in address, school, or work. Also it requires the SO to report immediately any change in vehicles, phone numbers; cell or land line and any change in internet status. (IE new e mail address, new screen name and so on)

Issue this is to short of a time frame to report, take for example a person moves to Lansing to go to MSU. And they are going to work in DeWitt. This requirement as I read it says they will report to all 3 locations within 3 days. Now I am using this example because all 3 of these locations are in different jurisdictions and would require a lot of traveling to get to each one. I would say a person could take one or two full days going to each of these locations. If they are trying to start a job this would possibly cause them a hardship and maybe a loss of the job.

5. Each state may post the registrants communications on the public web sight. The SONRA is letting each state set its own boundary here.

Issue; if a state does post this information on the public web sight, SO will get e mails or phone calls of a harassing nature. I feel this information should only be available to Law Enforcement.

If for some reason the public would like to check a phone number or e mail address, then they should have to submit that request with the phone number or e mail to law enforcement in some form of written request (even e mailing it in) and law enforcement can tell them if that phone number or e mail belongs to a sex offender. I see many other issues with this one also. I said in my e mail to the smart office that I was afraid this would encourage SO's to communicate and work to get these very laws overturned. That is the last thing these people would want to see happen.

5. Sec 118 (c) This section lets the states determine if they will leave Tier 1 off the public SOR.

Issue: I feel that the SNORA should have made it mandatory for all Tier 1s to be left off the public registry. I said that if the SNORA is truly trying to protect the public from SO's then having Tier 1 on the public SOR will not be in true line with that thinking. Furthermore it will just add more names to a SOR that have no value to the public and make the public look though more faces to pick out those SO's that really are of a danger.

7. Employment sec 114 (a) (4) and (a) (7) call for address of employer to be on the SOR. The state may decide that they will leave out the name of the employer.

Issue. I wanted the name and address of the employer mandatory off the public SOR. The reasoning I gave was that if we truly want to protect the public from the SO we should want the SO working. If we place the information of the employer on the SOR, employers are going to have a hard time in this day and age hiring a SO. We want the SO working so they are paying taxes and not a drain on the system.

8. Sec 114 (a) (7) The SO to provide information on any place they are staying 7 seven or more days.

Issue this is an overly broad statement and should only be required of tier 3 offenders. Also see the issue above were this is also talked about.

9. Sec V and Sec III (2) (4) Classes of sex offenders. The states are NOT required to set up a tier system but will follow general guide lines as to what the SO must do based on the their system in the SNORA. This is to be used as a starting point and states may make it harder on the SO if they like. (my words) The SNORA as it is being read by the AG office could it they liked set up a Tier system but the guide lines would not let many states have very many Tier 1 offenders as the SNORA says any sex crime that a SO can get more than one year in prison shall be a Tier 2 or in some cases a Tier 3 classification. In Michigan even CSC 4th is a two year misto. so this would get the SO a Tier 2 under the guide lines as written.

Issue. If the SNORA is really being set up to protect the public then a Tier system should be mandatory for all states. A tier system that uses empirically based risk factors. If the tier system is so broad it will hamper the public's ability to pick out who is a real danger.

Furthermore if the present SNORA system is used; the system will include many who are of no risk at all but yet Law Enforcement will be forced to use precious resources tracking low - risk offenders rather than monitoring high risk offenders. Furthermore if the present guide lines are put in place the Tier system as recommended will cause one state to classify some offenders as Tier 2 when in another state that same offender with the same sex crime will be classified as a Tier 1. This type of classification discrepancy will lead the public into not trusting the SNORA. Furthermore it may cause SO's to move to a state that is more favorable to the tier system so they can get a better tier rating. This will place an undo burden on the states with a tier system that is favorable to the SO's. If the tier system is thought to fair and correct in all the states with all using a empirically based risk factors, both the public and the SO's will be more inclined to go along with it. Also if states fail to set up a tier system and paint all the SO's as the same, the likely hood that a SO will take this system to court is greater. And given that the US Dept. of Justice Bureau of Justice Statistics on Recidivism show that within three years of release from prison 3.5% of sex offenders are reconvicted of a new sex crime. In that this is one of the lowest recidivism rates among all criminals with the exception of murder's; the US Attorney General will have a hard time defending the SONRA in court. By setting up a tier system using empirically based risk factors the AG will be in a better position to defend the SONAR when it goes to the Supreme court.

10. 18 USC 2250 reads that knowingly failing to register is up to ten years in jail.

Issue; How can the crime of failing to register draw an SO more time than the original sex offence they were convicted of. In that if the SNORA's purpose is to protect the public, and not to punish the SO's. If that is the case knowingly failing to register should only draw the same amount of jail time as the original crime.

. Indian tribes will have a loss of power under the SNORA.

Issue; since the beginning of the written laws of the USA we have under treaty with the Indian tribes always let them govern themselves. This would be the first time in the

history of the US that a law was written that will remove that power from the indian tribe if they fail to act on the ADAM Walsh law. (The SNORA guidelines will turn that power over to the states if the indian tribes fail to act.)

THE FOLLOWING ISSUES ARE NOT ADDRESSED IN THE GUIDELINES AND SHOULD BE ADDED.

. A system should be in place to enable a SO to be reevaluated from a Tier II to a Tier I.

13. The SNORA does not mandate that States set up a toll free phone number that the SO can call when they have issues with the SNORA, such as not understanding when and where to register, or other questions they may have. Also should they have a emergency that for some reason the SO can not get in to register in time, they could call this number and a notice would be sent to the local agency that registers this SO. This would help with compliance of the law.

14. The SNORA is punitive given that the US Dept. Of Justice Bureau Of Justice Statistics on Recidivism show that only 3.5% of sex offenders are reconvicted of a sex crime within 3 years of release from prison. Also given that over 90% of sex offenses are committed by a person known to the victim, with over 50% of those being a family member, then the SNORA is of little value. If the AG and the congress really wants to protect the public they will set up a national registry for Drug Dealers, Drunk Drivers (OUIL) and others that are a greater risk to hurt and kill the public. (this is not going to get added to the SNORA but it is a point that should be made to the OAG's office at some point when you write to them.)

15. If the SNORA is set up to be a catch all for sex offenders crimes, then the SNORA should add a provision that only the States and the Federal government are able to set up laws that govern sex offenders and sex offender registries. This would include the fact that local ordinances and laws may not provide for limits on where sex offenders can live. Given that the SNORA is not meant as an additional punishment, and that studies have shown that residency restrictions do not protect the public and in fact may make it more dangerous for them in that SO's will go underground or report false address, and Law Enforcement does not have the manpower to check all of the address. Furthermore if local laws of government pass their own laws in this area, we will have a patch work of laws that are different from one government unit to the next.

16 As addressed above the guide lines on the SNORA as they are written now will have the same offender with the same crime being placed in the tier system different in each state. The only true way to make sure we are getting all the high risk offenders on the SNORA is to have empirically based risk factors to place the SO on a Tiered system based on that and not one system in one state and another in a different state.

17. Each state under the SNORA should be required to set up a central location that keeps the information on the following acts. 1. Death of a SO by suicide, 2. Death of a SO by vigilantes or the victim causing death of the SO 3. any crime committed against a SO who is on the public registry. This information would be helpful to show if the SNORA is being used by the public in the way it was intended or is the SNORA being abused.

18. Each state should be required to set up a tiered approach to placement of SO's on the SNORA within 3 years of passage of the SNORA's guidelines. This would show that the real reason behind the SNORA is for public protection and not as a punitive law.

19. Upon the death of a sex offender the death certificate will be presented to one of the SO's registry points and they shall cause the SO's information to be removed from the SNORA.

Signed,
An American Citizen

Rosengarten, Clark

From: Rogers, Laura on behalf of GetSMART
Sent: Tuesday, July 31, 2007 11:01 AM
Subject: Rosengarten, Clark
FW: Regarding OAG Docket No. 121

-----Original Message-----

From: Michael Eisdorfer [REDACTED]
Sent: Monday, July 30, 2007 5:01 PM
To: GetSMART
Subject: Regarding OAG Docket No. 121

To Whom It May Concern,

I read the OAG Docket No. 121 and I would like to voice my concerns with it. I want every effort made to eliminate registration altogether for youthful indiscretions. Specifically, I respectfully request that those who engage in consensual experimentation, who are under the age of eighteen and are within 2 years of each others' age, should not be placed in the registry, or labeled as "offenders." These people are teenagers, who were tempted by their new bodies and made a wrong decision by engaging in exploration with a peer. There are too many young people on the sex offender list who have been condemned for years based on stupid decisions or teenage mistakes they made in their past.

Below are a few additional clauses I would like added to your guidelines:

1. The state should be able to take existing offenders who qualify for exemption as per the new legislation of the registry without fear of losing federal funding.

Solicitation of a Minor to engage in sexual conduct, any direction, request, enticement, persuasion or encouragement of a minor should have an exemption for teens within two years of age, otherwise many teens could become susceptible to this offense.

3. In a Tier system, Tier one, as written, can not include Romeo & Juliet cases that involve intercourse because it only includes cases that involve jail sentencing of less than a year. All cases where intercourse or oral sex is involved would require sentencing of more than a year. A clause should be added to allow offenders under the age of 18 or within two years of the age of the victim to be assessed as a "level one" if the state deems them to be a low risk to repeat the offense. In this way, a state has the option to take their residence prosecuted in their state off of the registry and have multiple options as to how an offender coming in from a stricter state will be treated.

4. The guidelines do allow states to elect to allow a non public registry for level one tier. States should be able to decide if offenders within two years of their victim that committed a felony are eligible for the level one non public registry. Many states today already have this non public registry for youthful felonies that are considered low risk to repeat an offense. The new guidelines as written, would take this option away. This option must remain intact for the states.

5. Tier one can petition for a shorter registration of 10 years if the offender has a clean record for the ten years. It should only require a clean sexual record.

6. Tier one can petition for a shorter registration of 10 years if they successfully complete a sex offender treatment program certified by jurisdiction. This should only be if you were sentenced by a judge to

10. If it was not required at sentencing, then it should not be required for the petition.

7. In a tier system a level two offender is required to register for

25 years. A clause should be added that allows offenders who are within a two year age difference of the victim to petition for a reduction in years of registration if their sexual record is clean for 10 years.

7. Some states like Michigan already allow for reduction in years of registration for offenders, convicted of a felony, who were within three years of the victims age, who have completed probation, who have been prosecuted specifically because of the age of the victim and who have proven that they are at low risk to repeat the offence. These offenders have had their registration reduced to 10 years by a judge. The new guidelines would require these same individuals to now register for 25 years. This should be changed to allow the individual to register as per the judges decision.

Please make the effort to protect those who need protecting. Teens are too young to be held accountable for laws that we as a society should do a better job in teaching them. Placing a boy on a list with rapists, when he had consensual sex with a high school peer (a few months over a year apart in age) is absurd. These young men and women should not be condemned because of teenage curiosity and they should not be punished and labeled as "sexual offenders and predators" when their individual circumstances were not predatory to begin with.

As a country, it is our obligation to teach our children and our teenagers the law and how to abide by it. Realistically speaking, statutory rape is not explained to youths as a peer on peer encounter; it is explained as a "sick person," a "bad person," an "older person"

with bad thoughts and who is harmful in an attacking way. These teens are not aware that they themselves could be considered "predators." They are not aware of these extreme laws that could hinder their future. In adulthood, ignorance of the law is no excuse, but to condemn a high school teenager for ignorance to this law is shameful on us as a society. I respectfully ask that my plea for our youth be considered.

Thank you,

Israel Eisdorfer

[REDACTED]

[REDACTED]

[REDACTED]

Rosengarten, Clark

From: Rogers, Laura on behalf of GetSMART
Sent: Monday, July 30, 2007 12:00 PM
To: Rosengarten, Clark
Subject: FW: OAG Docket No. 121

From: Ed Lynch [REDACTED]
Sent: Wednesday, July 25, 2007 10:44 PM
To: GetSMART
Subject: OAG Docket No. 121

To: Laura Rogers, Director
From: Edmond R. Lynch
Date: 7/26/07
RE: OAG Docket no. 121

The concept of a national registry is somewhat appealing, if not for any other reason than it can perhaps sort out some of the ill intended consequences for poor legislation at the state level. However, if this is not done properly, it may serve to make poor legislation worse. A few items of utmost importance are:

A: Youthful indiscretions must be protected. Young men and women cannot be stained with the internet age Scarlet Letter for 1 mistake in their teens.

B: States must be able to remove existing offenders without risk of losing federal aid. Though our society does have some absolutes, they are few, and the laws put in place to identify and punish sexual predators are particularly subject to moral interpretation. As a result, judges must be given discretion to fully understand the facts of the case, and states must be able to reduce punishment and exempt people from the list.

C: A tiered system can be useful, particularly as it can differentiate between true sexual predators and cases where the parties are within 4 years of each other. Offenders who are younger than age 18 should be treated more leniently than older offenders. States and judges should be given discretion.

D: States should have the option to keep a non-public registry.

E: Other non sexual violations should not impact length of time on registry.

Please give careful consideration to how to allow for the delisting of Romeo & Juliet cases. These young people are making mistakes that have been made for centuries, with the difference being that those on the list in today's society were caught. Let us not rob them of the opportunity to grow into mature, contributing members of society while still protecting our nation's youth from true sexual predators. It does us no good to have the list inflated with people who are not true risks.

Thank you for your consideration,

Edmond R. Lynch
[REDACTED]

tiers

Rogers, Laura

From: Peterson, Laurie [REDACTED]
Sent: Sunday, July 22, 2007 8:50 PM
To: GetSMART
Subject: SORNA comments

While the new legislation under AWA improves some of the shortfalls of the old mandates, it is imperative that we address the offenses that were non violent and singular on these registries as soon as possible. A substantial number of state crimes classified as felonies fall under the tier 2 mandates of AWA, requiring a 25 year public registration. Statutory rape is only one of such crimes, that is going to be inconsistently dealt with from state to state allowing some of these offenders to be tier 1's (if their crime was punishable by less than 1 year in the state of residence) versus the same offense in a neighboring state that requires a felony conviction (more than 1 year) for the exact same circumstances. This is not consistent and does not benefit public safety. Further, the online registry must be narrowed to those who are CLEARLY violent and predatory or who may have repeat offenses or a psychological diagnosis for desiring children as sex objects. Please do not ignore the comments and position on these issues of Patty Wetterling, the founder of the first registration law, named after her son Jacob. She has recently spoken out on the broad brush approach that has been used, specifically citing how children themselves are now required to register as sex offenders, as well as teenagers involved consensually with somewhat younger peers. I realize there is a 4 year age difference built into SORNA/AWA, but it hardly serves the needs of justice when the sentencing judge is removed from determining the appropriate level, if any, of registration on an individual basis for those who are under 21 years of age involved in consensual acts with those 13 and above (as per the established minimum age already in SORNA for consensual acts sec 111 .5, C.) To underscore this point, Mark Lunsford's son was 4 years and 1 month older than his 14 year old girlfriend, and was arrested for felony sexual assault in the state of Ohio. Had he not been allowed to plea to a misdemeanor charge, this young 18 year old would have been subject to a 25 year registration under SORNA! This surely would have been an outrage to justice, had this occurred. Joshua's Lunsford's case is not isolated, there are thousands of teens/young men and women who are under the age of 21 who are being arrested and *convicted* of felony sexual assault for consensual sex acts across America, who are not allowed to plea down to a misdemeanor. They are then subject to federally mandated minimum 25 year registration under AWA, or a lifetime of registration under state law, since SORNA/AWA does not set a ceiling on these requirements, instead leaving them open to state discretion to exceed. Again this is not consistent. You must revise the registration guidelines to take the following into consideration:

- 1) Set a ceiling on the tier 1 and tier 2 registration limits for first time offenses. Currently the floor is set at 15 years and 25 year and lacking a mandatory ceiling which is needed for consistency.
- 2) Allow for a Tier 2 offense to be reduced to 15 years registration (or some other reduced number of years from 25) if the requirements for reducing a tier 1 offense are met as a tier 2 offender. This is imperative since the current sequence allows for those who are the most heinous level, a tier 3, to be reduced to 25 years, but there is no such remedy for a tier 2 offense.
- 3) Create a separate provision that allows states to set their own guidelines (without loss of grant money) to deal with registration requirements for those who are under 21 years of age and were involved consensually with another teen who has reached the age of 13, but is less than the state mandated age of consent.

8/16/2007

Please strongly consider these suggestions and feel free to contact me as needed.

Sincerely,

Laurie Peterson

Concerned private citizen

[REDACTED]
[REDACTED]
[REDACTED]

8/16/2007

This is just an informal comment/suggestion/observation. I could not get permission from my management to send this in email form.

Observation 1: Sect V. Classes of Sex Offenders

- "Substance, not form or terminology"
 - all states have different interpretations of legal terminology
 - There is a guide to State specific legal terminology on www.lego.gov - for the Law Enforcement Community. This list was developed and is maintained by the FBI/NCLS Legal Research and Analysis Team. It deals with a variety of terms including juvenile adjudication for all 50 states and us territories. You have to be a LEO member to view.
- if language was added to the law/or possibly SOFNA guidelines indicating that when a subject is registered under a "tier" they are found to be a danger to themselves or others it could establish a federal firearm prohibition under 18 USC 922(g)(4). This may be a valuable source for establishing a firearm prohibition not available by other means

(over)

Observation 2: Sect. VII Disclosure of Information

- National Databases - "NSOR" or other appropriate databases"
 - This could allow entry of records from SORNA into the NICS Index to identify federal firearm prohibitions under 18 USC 922
 - Any finding of a subject by a lawful authority that a subject is a danger to them self and others is a federal firearm prohibition under 18 USC 922(g)(4)
 - this is not just mental commitment.
- Any access to records in SORNA may assist the NICS in obtaining information and establishing federal firearm prohibitions.

William Swan
[REDACTED]
[REDACTED]

July 7, 2007

U.S. Department of Justice
GetSMART@usdoj.gov

Dear Sirs:

With all due respect to the authors of the proposed guidelines for national sex offender registration¹, who have clearly put in considerable effort in drafting them, I fear they have started with an incorrect premise, have gone in the wrong direction, and that the proposed guidelines will be considerably more destructive than helpful.

I have organized these comments on the guidelines into three sections: background and general issues, specific problems and constructive alternatives.

I urge you to review these comments and incorporate them into a revised set of guidelines.

Sincerely,



¹ Announced May 2007, online at: http://www.usdoj.gov/opa/pr/2007/May/07_ag_366.html Guidelines at <http://www.ojp.usdoj.gov/smart/proposed.htm>

1. Background and General Issues

In this section are general comments about the proposed guidelines. Specific items will be addressed in section 2.

1.1 It's all speculation. The stated goal of all sex-offender registration programs, and everything that builds on them, is safety. However, it has never been established whether any safety has really been achieved by any element of those programs, which makes them merely speculative. This shows even in these proposed guidelines. For example, the introduction reads in part:

"These programs serve a number of important public safety purposes. In their most basic character, the registration aspects of these programs are systems for tracking sex offenders following their release into the community. If a sexually violent crime occurs or a child is molested, information available to law enforcement through the registration program about sex offenders who may have been present in the area **may help** to identify the perpetrator and solve the crime. If a particular released sex offender is implicated in such a crime, knowledge of the sex offender's whereabouts through the registration system **may help** law enforcement in making a prompt apprehension. The registration program **may also have** salutary effects in relation to the likelihood of registrants committing more sex offenses. Registered sex offenders will perceive that the authorities' knowledge of their identities, locations, and past offenses reduces the chances that they can avoid detection and apprehension if they re-offend, and this perception **may help** to discourage them from doing so." [1. Introduction]

The word "may" appears in this sense throughout the entire guidelines -- the entire basis of these guidelines is mere speculation! Surely, in the 17 years that have passed since these laws were first enacted, there would now be sufficient information to tell whether these existing laws achieve anything of their intended effect or not. But there is none; instead lawmakers keep piling on new requirements and restrictions, such as those in these guidelines.

Some laws have proven to be extremely counter-productive (and impossible to get rid of²). It would be far better to have a completed study of the effectiveness and issues with existing laws before building weightier structures on what may prove to be not just sand, but quicksand, with very costly and damaging results. For every considered measure a pilot test should also be performed and analyzed, to be widely enacted if it proves beneficial or terminated if not.

I will note that there is currently a federally-funded study on the effectiveness of sex-offender registration being conducted by the New Jersey Department of Corrections, with results due early next year. Finalization of these proposed guidelines should at the very least be deferred until that study is published, and only then revisited.

1.2 Perceived safety is not real safety. Measures to increase perceived safety can reduce actual safety. If the vast majority of sex offenses were committed by previously-convicted sex offenders, these measures would make sense. But this department's own Bureau of Justice Statistics says otherwise in its report "Sex Offenses and Offenders" (NCJ 163392): The table on page 23 shows that only 10% of rapists and 15% of sexual assaulters in prison had prior sex-offense convictions: thus 85% to 90% of the sex-offense convictions were first-time convictions.³

With all the focus placed on convicted sex offenders, the fact that over 5 out of 6 new offenses are first-time offenses is lost; not only do people think they and their children are safe if there are no *registered* sex offenders living nearby, they are even being sold on ideas such as "safe sex-offender-free communities" (i.e., you can let your guard down here), a dangerous abuse of registration that will only result in more victims.

These measures also carry the likelihood of increased recidivism in both in-category (sex) offenses and out-of-

2 See <http://www.radioiowa.com/gestalt/go.cfm?objectid=352CF80A-92E1-67A5-6D2385E4022D9224>

3 <http://www.ojp.usdoj.gov/bjs/abstract/sqo.htm>, p.24: Table 3 and bullet item 3 show all violent sex offenders falling into these two categories.

4 See <http://www.wreg.com/Global/story.asp?S=4768425> for an example.

category. Psychologists and other experts say that the best protection against recidivism is increased engagement with the community and as others note, these measures “may, in fact, make offenders more likely to commit new crimes by consigning them to social isolation.”⁵ Every new crime means a new victim and even these guideline provide *zero* protection here; at best they move the crime to a different locale.

1.3 Ratcheting up is very bad. The proposed guidelines are a nasty *ex post facto* ratcheting up of the requirements to live in society. They should be applied only as an element of a conviction and not retroactively, because they break the promise of “this is all we will ever want from you” given when the original registration laws were passed.

Ratcheting up registration and notification measures (Section II.C pp. 7-9 and “Retroactive Classes”, pp. 49-51) on registered sex offenders who will not and intend not to re-offend (which appears to be about three out of four of them⁶) tells them quite explicitly that there is nothing they can do, no amount of good behavior, that will prevent their lives from becoming worse. Especially with the measures proposed here this is a sure-fire recipe for disaster: they will withdraw from society, and be instilled with feelings of fear and powerlessness, leading to anger, bitterness – and new victims. “If it's only going to get worse anyway, what's to lose?”

If anything, these guidelines should also be setting *maximum* levels on what is allowed, particularly when we have politicians dreaming up punitive “non-punishments” such as branding drivers' licenses and license plates, and non-residency zones. (Non-residency zones have caused registration non-compliance to zoom from 5-10% to over 50%⁷ but the first state with this law finds it can't repeal the law⁸ -- yet other locales continue to enact similar laws.)

1.4 These measures are punitive by design and effect. The very first measure enacted was simple registration, with annual verification by mail. Subsequent measures have added punitive elements such as the posting of mug shots and addresses, labeling drivers' licenses and more – in many ways like the “shaming” punishments imposed for “deadbeat dads.” Add to that the four known murders of registered sex offenders by complete strangers using the online registries, and the untold number of registered sex offenders' houses across the country torched in efforts to drive them away, and you already have a punishing fear that will be exacerbated by these measures.

2. Specific Problems and Futilities

This section evaluates the problems with and futile efforts made by specific elements of the proposed guidelines.

2.1 Section V, pp. 24-27, “Classes Of Sex Offenders,” increases the public risk. As studies⁹ have shown, the severity of the offense is not an indicator of and may even be inverse to the likelihood of re-offense. The proposed change to a rigid offense-based classification is not only punitive in nature, it creates a bigger public risk than the current system of individual evaluation. The end result will be costly in terms of new victims, costs of incarceration and costs of administration by the supervising agencies.

The current system, under which each registered sex offender is independently evaluated for risk level by officials familiar with the ex-offender's record, plus the development and refinement of accurate classification tools, should not be altered. (I address this issue further in my comment 3.1.)

5 From <http://www.cmonitor.com/apps/pbcs.dll/article?AID=/20060503/REPOSITORY/605030304/1027/OPINION01>

6 Derived by extrapolating Chart 1 in “Historical Review of Returns to Prison,” Washington State Department of Corrections, online at <http://www.doc.wa.gov/budget/docs/publications/Recidivism20.pdf>

7 See <http://www.tribune-georgian.com/articles/2006/07/05/news/opinion/1opinion7.5.txt>

8 See <http://www.radioiowa.com/gestalt/go.cfm?objectid=352CF80A-92E1-67A5-6D2385E4022D9224>

9 For example, see <http://www.johnhoward.ab.ca/docs/sxoffend/page1.htm>

2.2 Section VI, pp. 28-35, requiring too much information increases the public risk and cost. The amount of information being demanded goes so far it will lead to deliberate non-compliance. "Internet identifiers and addresses" is one such example; this is "Big Brother" punitive invasion, but to a registered sex offender intent on finding a victim online or by other means the requirement for so much information provides absolutely no deterrent at all – especially considering that penalty for the crime far exceeds the penalty for unregistered addresses or identifiers.

Note that deliberate noncompliance is *extremely* dangerous because it places the registered sex offender into the continual mindset of being an unapprehended criminal -- exactly the opposite of what is needed to avoid recidivism. The end result will be costly in terms of new victims, costs of incarceration and costs of administration by the supervising agencies.

To invasively and uselessly requiring "Internet identifiers and addresses" one should add: telephone numbers (home and cell), Social Security Number (the justification for this is silly), "temporary lodging information" (this one is so useless it is ludicrous – consider all the focus on extended contact and "grooming" by intended predator; *one week?*), travel and immigration documents, professional licenses, and DNA. (I add DNA as a special case due to the fact that the practice of acquiring DNA has gone on so long it is very unlikely that those who have not supplied will re-offend. (Risk reduction over time is mentioned in comment 3.1.)

Other specifically required items that are invasive and uselessly excessive are:

- Other residence information (excepting homeless residence locales). Consider that the registered sex offender who supplies this information and then intends to commits a crime will avoid any location he supplied to the registry. And if he's sought he will also avoid those locales, thus wasting law enforcement time while they search the locales where he will not be.
- Current photograph. Requirements for repeatedly taking mug shots (Section XI) reinforce the mindset of being forever a criminal, which makes a new offense much more likely. Treat them like criminals and you'll get more criminals. What is worse, this is costly and unnecessary – photographs are already available in drivers' license and state ID records; they can be pulled up as needed, as noted in the driver's license clause of Section 6, p.35.
- Vehicle information and habitual location. This starts out at a very high level of useless information ("in case of flight"?), and gets worse by placing no ceiling. Some locale will undoubtedly require reporting such for nothing more than borrowing a friend's car one time; instantly the registered sex offender becomes a criminal.

Information that is questionable (some of this is often already required but it is not clear if it has any value whatsoever, and it adds to the cost of the registry) is:

- employer name and address
- school information
- text of registration offense (VERY costly to add retroactively)
- criminal history and other information

The reasonably required information are names and (non-Internet) aliases, residence address or homeless alternative, date of birth, physical description but this should be allowed to "age" along with the photograph, noting again that updates are available from the driver's license database, and fingerprints and palm prints if already acquired.

2.3 Section VII, pp36-44, disclosing too much will increase the public risk and cost. The amount of information required to be disclosed on website will be immensely destructive to the registered sex offender's life.

- Disclosing exact address: there is no knowing how many registered sex offender's houses have been torched because their exact address was available; there have been at least four murders by strangers facilitated by this information. (Note: registered sex offenders can use this to contact each other; see comment 2.4.)

- Disclosing employer or address: any bill allowing this should be titled "The Registered Sex Offender Unemployability Act," because that is exactly what will result. Angry ex-offenders, unfairly rendered unemployed by such action, will be ripe for recidivism. (However, if they remain employed they can be contacted by other sex offenders using this information: "Hello, Acme Company? May I speak to Reggie Sexoffender, please?" See comment 2.4 and also next two items.)

- School address: this cannot be justified. Worse, it leads to the potential, even likelihood, of the registered sex offender's car being vandalized, per the next item.

- The license plate number and description of any vehicle owned or operated: it leads to the possibility of these vehicles being vandalized. Vandalism of registered sex offender's cars already occurs.

- A current photograph: incorporate here by reference my comment 2.2 on photographs.

Disclosure of any single one of these items, much less all of them, will increase the fear instilled in the registered sex offender, decrease the feeling of being a member of society again, and thus increase the likelihood of re-offense. And if any harassment or worse occurs, the feeling of isolation will be cemented forever. This will be costly in terms of new victims, costs of incarceration and costs of administration by the supervising agencies.

2.4 Section VII, pp. 39-40, disclosing "remote communication addresses" is dangerously false security. The proposed protection mechanisms in this section are so easily and obviously circumvented it is not worth mention; however, the registered sex offender who obeys the law could wind up penalized by exclusion.

The third paragraph of "REMOTE COMMUNICATION ADDRESSES," p. 39, enumerating all the nefarious things registered sex offenders "could" do (speculation again!) if they got together is simply laughable and its author should be quite embarrassed for his hysterics. Think it through for half a second: if this is such a problem, why do we incarcerate convicted sex offenders in prison... together... for year after year...?

Besides, whether the lists are made available to Internet social networking site owners or partially occluded via the method in the fourth paragraph, either way registered sex offenders can find each other using them.¹⁰ If the lists are made available, a registered sex offender or a friend could set up a social networking site and obtain the list. If the mechanism is to test an address, set up a "sex offender only" site, use this test to keep others out, and thus accumulate a list.

But it gets worse. When researching material for these comments I found a web page that notes the high value such a list could have. One sentence bears quoting:

All a spammer has to do is to run his huge list of e-mail addresses (and whose e-mail address doesn't soon wind up on spammers' lists?) past the verifier and BINGO! he has a qualified list of sex offenders' e-mail addresses. What purveyor of porn would not love have such a highly qualified list of potential customers?

Similar treatment of phone numbers is even riskier, because cellphones can receive audio as well as text-message solicitations. And because cellphone number ranges are known (though no longer exclusively by carrier) one

¹⁰ And even without those the proposed identification/location information can be used: see comment 2.2.

doesn't even need a list in order to scan for registered sex offender contact information.

The first paragraph of p. 40 demonstrates the dangerous false sense of security that collection of and access to this information will engender. It states, in part:

... In the case of a concerned parent as described above, for example, this could enable the parent to ascertain that the e-mail address of an individual attempting to communicate through the Internet with his or her child is the address of a sex offender...

The two problems with this are:

- 1) A registered sex offender seeking to re-offend is unlikely to use a registered address.
- 2) As noted in comment 1.2, the vast majority of convictions are first-time convictions.

There's a technical term for the child whose parents will inevitably rely on this for protection: "victim."

2.5 Section VIII, pp.45-47, "Where Registration Is Required" is inadequate.

This section fails to set a universal standard for the rules for when registration is required, with dangerous results. It establishes a minimum level, but as the last paragraph demonstrates, jurisdictions can set broad standards that, without fair notification, amount to entrapment:

For example, if a sex offender who is a long-haul trucker regularly drives through dozens of jurisdictions in the course of his employment, it is not required that all such jurisdictions must make the sex offender register based on transient employment-related presence, but rather they may treat such cases in accordance with their own policies. [emphasis added]

One wonders if such registration would also be required for a registered sex offender who is an airline attendant or pilot and who is forced to land in some unanticipated jurisdiction, say, for an engine failure.

With no standard, jurisdictions can and will enact different rules, creating a non-standard patchwork of rules ready to trip up the traveling registered sex offender. Such a threat will not aid rehabilitation.

2.6 Sections X and XI, pp. 54-61, go over the top with in-person appearances.

One recognizes the need for an in-person appearance upon initial registration in the jurisdiction of residence, but requiring it periodically, upon change of employment, student status or any other reason is dangerous for its extremely unpleasant effect upon the registrant.

Even without repeated fingerprinting and mug shots, the in-person appearances required here will say "you're still on probation" and block any sense of reintegration into society. This will lead to increased recidivism and is also likely to increase the number of registered sex offenders who decide to abscond. Again the proposed guidelines engage in speculation. Page 59, paragraph 3:

Likewise, from the perspective of the sex offender, periodic in-person encounter with officials responsible for their monitoring **may help** to impress on them with greater vividness than remote communications that their identities, locations and past criminal conduct are known to the authorities. Hence, there is a reduced likelihood of their avoiding detection and apprehension if they re-offend, and this **may help** them to resist the temptation to re-offend.

This is unlikely. Less than 30% of rapists and less than 15% of sexual assaulters are convicted of offenses against strangers.¹¹ These measures would do little for those whose victims were already known to them, and the others will easily figure out how to evade these measures by means such as committing the new offense in a different jurisdiction.

In addition, information provided in person might not be correct. The Kansas City Star published an article sometime on or before 6/11/2006 (it's no longer online) about one Arvel Walls Jr., a registered sex offender who had dutifully appeared in person every 90 days for years – giving the wrong address, undetected until it was

11 "Sex Offenses and Offenders," NCJ-163392, U.S. Dept. of Justice, Bureau of Justice Statistics, 2/1997, p.24, Table 3.
<http://www.ojp.usdoj.gov/bjs/abstract/soo.htm>

independently checked. It is hard to see how this meets the speculation in Section XI, paragraph 3:

Beyond these functions of directly helping to ensure the accuracy and currency of the registration information, the appearance requirement... [emphasis added]

What will certainly result is a buildup of anger and stress in all registered sex offenders who have these draconian probation-like measures imposed upon them *ex post facto*. It has been observed that the majority of sex-offender re-offenses are already non-sex-offenses¹²; it would not be a surprise to see the latter grow, particularly in jurisdictions who follow the hints in Section XI of requiring more frequent appearances, and/or with "more extensive or additional measures." (p. 60)

Increased recidivism, registered sex offenders who lie or abscond because maintaining registration is too onerous, the resultant (unnecessary) incarcerations, and all the administrative work of information collection and distribution... this measure will be an extremely expensive one, especially considering that it will reduce, not increase, public safety.

2.7 Section XI, pp. 59-61, requiring periodic in-person appearances, may be unconstitutional.

Although not an attorney, I will note that the requirement periodic in-person appearances may be unconstitutional when applied retroactively. Such appearances may be impossible to make if the person is disabled or on extensive travel. If jurisdictions allow the police to mandate appearance on specific dates, this becomes a major impediment to the person's conduct of business, or even a threat to his employment. It is certainly a questionable and arbitrary police power with threat of incarceration for failure to comply.

I would anticipate this requirement to be immediately challenged if enacted.

2.8 Section X.C, pp. 57-58, "International Travel" will make such impossible.

The international exchange of convicted sex-offender status information in Section X.C is troubling, particularly when section IV.B (pp. 17-18) implies that many jurisdictions may not have "sufficient safeguards for fundamental fairness and due process." It is almost a certainty that available conviction histories will be used by other governments to exclude Americans who bear such, as Canada does presently.

The resultant inability to travel internationally will likely affect only a minority of registered sex offenders (and may be damaging to the employment of some), but the effect will be significant, particularly when they realize that their own government has helped erect these walls against them. This will not be conducive to rehabilitation.

3. Positive and Constructive Comments

3.1 Section XII, "Duration of Registration" is a step in the right direction.

I commend the authors for the suggested durations of registration, although with lifetime registration requirements already implemented in many jurisdictions they should be considering a requirement centered on a specific value rather than a minimum, because there will be pressures on all non-lifetime jurisdictions to ratchet up to lifetime.

In comment 2.1 I have already addressed the major problem of "tiering" (tied to offense level) as opposed to "level" (likelihood of re-offense), and so I will address the issue in terms of "level."

¹² "Examining Sex Offender Recidivism," p.7, <http://esor.freesevers.com/Examining.pdf>, derived from "Recidivism of Prisoners Released in 1983," NCJ-116261, U.S. Dept. of Justice, Bureau of Justice Statistics, <http://www.ojp.usdoj.gov/bjs/abstract/rpr83.htm>

Available studies show the risk of re-offense declines the longer a registered sex-offender remains out without re-offending.¹³ Clearly those who remain offense-free for a considerable period of time have worked out means or mechanisms to remain in society offense-free. Also, even those considered "most likely to re-offend" may become less likely to re-offend by illness or other incapacity, including the effects of increasing age.

The registration requirements of Section XII seem to recognize this. I encourage these to be based on the "Level" model rather than the "Tier" model, because the former is based on the observed, measurable, and refinable perspective of the likelihood of re-offense. The "Tier" model is rigid and inalterable. Note: if likelihood of re-offense turns out to be closely tied to offense level, the "Level" model could become identical to the "Tier" model.

I suggest certain amendments to this section, not as minimum but recommended guidelines. These suggestions are based upon studies that analyzed recidivism over time and appear to show that at least by twenty years post-release, if not sooner, the risk of re-offense appears to drop to the likelihood of a first offense by a member the general population.¹⁴ These suggested guidelines are as follows:

- 1) Establish a task force or commission to study sex-offender recidivism rates over time and recommend modifications to the time frames in 2) through 4), following.
- 2) Level 1 registrants have their registration automatically terminated after 10 years as a Level 1, commencing upon release at or entry into Level 1 status. or may request termination if special conditions arise.
- 3) Level II registrants may request re-evaluation to Level 1, annually after 5 years post-release or entry into Level II status, or if special conditions arise.
- 4) Level III may request re-evaluation to Level II or I, annually after 5 years post-release, or if special conditions arise.
- 5) Evaluations made by the jurisdiction of residence (or incarceration, pending release) shall be honored by all other subsequent jurisdictions.

A benefit of this scheme is that it adds a carrot to the stick, a positive incentive to remain in society offense-free.

3.2 Set upper limits to what local jurisdictions may do.

Various legislators around the country have blatantly attempted one-upsmanship games with their sex-offender registration requirements and restrictions in order to push the registered sex offender into other jurisdictions.¹⁵

The guidelines here do not restrict such actions but should, by establishing upper limits to what jurisdictions may do. My recommendation is that the upper limits should be set by a task force comprised of law enforcement, victims' advocates, civil liberties and legal organizations, and, if possible, registered sex offenders themselves (for the "inside" look at the guidelines and their effects).

13 "Examining Sex Offender Recidivism," p.13 and 16-17, <http://csor.freesevers.com/Examining.pdf>, derived from "Sex Offenses in Washington State: 1998 Update," http://www.wsipp.wa.gov/rptfiles/chrtbook_98.pdf, and "Examining Recidivism," NCJ-96501, U.S. Dept. of Justice, Bureau of Justice Statistics, 2/1985, paper only.

14 See "Ten Year Recidivism Followup of 1989 Sex Offender Releases", Ohio Dept. of Rehabilitation and Correction, Table 19, "Time to Sex Recidivism" p. 12, http://www.drc.state.oh.us/web/Reports/Ten_Year_Recidivism.pdf.

15 For example, GA House Majority Leader Jerry Keen (R): "We want people [sex offenders] running away from Georgia. Given the toughest laws here, we think a lot of people could move to another state... If it becomes too onerous and too inconvenient, they just may want to live somewhere else. And I don't care where, as long as it's not in Georgia." http://findarticles.com/p/articles/mi_km4464/is_200606/ai_n16578162

Rogers, Laura

From: Kimberly Held [REDACTED]
Sent: Saturday, July 21, 2007 10:26 PM
Subject: GetSMART
OAG Docket no.121 SORNA Guideline Response

Please allow me to make the following suggestions regarding SORNA:

GOAL: To promote SO stability and registry compliance.

GOAL: To provide and maintain a comprehensive Tracking System that promotes fairness and public confidence.

Jurisdictions must provide the tools to determine distance
(ie.1000FT)

Jurisdictions must provide toll free telephone numbers with 24 hours

service

Jurisdictions must provide access for notification from any jurisdiction

Jurisdictions must provide positive reinforcement(ie register on time for
6 months, get next month fee free)

Develop a standardized Tier system that all jurisdictions must

follow

according to the risk level not the punishment

Provide the public with statistical analysis of the effectiveness by

showing registry compliance and recidivism rates in every jurisdiction and
state on an annual basis

Analyze and consider the affects of the consequences of registry on the

SO lives, families (sociological), communities (safety), jurisdictions, and
Department of Corrections (financial).

Provide for annual jurisdictional re-examination utilizing the above
analytical results.

ther than creating a unemployed and homeless population that is depressed, stigmatized,
d angry, help create hope and change by providing resource centers for jobs, living
quarters, and treatment.

thank you, Kim Held

Kim Held, R.N.
[REDACTED]
[REDACTED]
[REDACTED]

CONFIDENTIAL MATERIAL

NOTICE OF PRIVILEGE: This communication, including attachments, is
privileged and confidential pursuant to LA. R.S. 13:3715.3. No copies
are to be made or distributed. If you have received this email in error,
please notify me immediately at (504)842-5702.

July 20, 2007

OAG Docket No. 121

Ms. Laura L. Rogers, Director
SMART Office

Dear Ms. Rogers:

We have carefully read through The National Guidelines for Sex Offender Registration and Notification. Throughout the document it is stated, on numerous occasions, that the primary purpose is to protect the public. Yet, nowhere in the document nor anyplace else has the Justice Department, Congress or Attorney General Gonzalez published any scientific study or statistics to support the viewpoint that restrictive laws after prison, public access Internet information and community notification about a particular group of people, in this case former sex offenders, does and will protect the public. On the contrary, there are quite a few studies displaying statistical data that confirm the fact the majority of sex crimes, approximately 95%, are committed by **first time** offenders, not by people registered on a public Internet registry. Former Congressman Mark Foley is an example.

Another aspect of "protection of children and the public" that concerns us is that SORNA assumes people on the registry are dangerous and will reoffend. That is a reprehensibly false assumption and presupposes an individual will reoffend. It gives the former offender no opportunity to present a case that he or she will not reoffend. It does seem to violate Due Process.

Because SORNA requires former sex offender people to have personal information posted in a public-access Internet site it leads people to continue to hold the **false** belief that "once a sex offender always a sex offender." Politicians have not based SORNA on research-based facts. SORNA is based on false premises, emotions, hysteria, fear and a scant of highly media-sensationalized cases; the magnitude of the problem has been grossly over-exaggerated. SORNA

RECEIVED
7/31/07

within five years.

Source for numbers 2 through 7: Sohopeful International, Inc. Portland, Oregon, page 16. Published: September, 2005

8. The Michigan Parole Board recidivism statistics show, in an eleven-year study (1990-2000), that former sex offenders average 1.65% recidivism rate for the same crime. This is considered to be an important study because it tracks before and after public registries and **documents that a public registry has virtually no effect on recidivism.**

One of the tragedies of SORNA is that it focuses entirely on former sex offenders as the greatest threat to the "protection of children and society," whereas the research clearly indicates the majority of horrific crimes against children are committed by family and close friends. It has been well-documented that each year thousands of children are physically abused by parents and caregivers. In 2003, according to the Department of Human Services, more than 1,500 children died from the abuse of their parents or caregivers. That translates into an average of over four children every single day! To deflect, minimize and draw attention away from the crisis and tragedy happening everyday to children within the family unit to censure, publicly isolate, humiliate, blame and further punish former sex offenders as being the demons in society is unconscionable.

An added concern we have about SORNA is that Attorney General Gonzalez and Congress have said SORNA is intended to be non-punitive, but those words play with semantics to simply satisfy and weakly defend a viewpoint that is not supported by research. By definition, the word punitive entails penalty, deprivation and disciplinary measures. SORNA directly imposes penalties, restrictions, disciplinary measures and deprivation into the lives of former sex offenders and their families. The results of the penalties have had a major impact in the lives of former sex offenders and their families. Some have been forced to move, some are harassed in different ways and some are physically and verbally assaulted. Some have lost jobs and some cannot even secure a job. Some have been murdered. Former sex offenders are deprived of their privacy when information about them becomes public information; it is publicly humiliating, shames and disgraces a person. It is a form of banishment.

A further concern we have with SORNA relates to the tiered classification system. It appears SORNA wants to place former offenders into tiers based on the committed crime. For many reasons, there is great disparity in sentencing sex

offenders, even when the crime is identical. One person is sentenced to probation and another is sentenced to years in prison for the same crime. It is well-documented women generally receive lesser sentences than men. There is the considerable likelihood that a person could be placed on Tier I and in actuality have committed a greater offense than another person on Tier II. If a tier classification system is used it should be based on the individual person's past, present and future likelihood of reoffending. Only qualified professional psychiatrists and psychologists who are knowledgeable about recidivism assessment tools should assess a person's "risk of reoffending."

It has cost, is costing, and will continue to cost taxpayers millions of dollars to **falsely** protect children and the public through public Internet registries. No one seems to be asking such questions as, "How effective are the laws? Are there other alternatives that would work better? Is there a justifiable threat? How common is the threat? What are the real threats and dangers to children and society?"

Before entering a public-access Internet registry it should be required that people read the research data on sexual offending. That information should be available to people upon entering the registry. There should also be a list of sources to go to for people who wish to further their knowledge base.

It is extremely obvious to people who have read and studied the research that SORNA is not based on research or logic. It is a tragedy that the murder of a child has been linked to all former sex offenders. It is a tragedy that many thousands of people are being subjected to SORNA. It is a tragedy that the millions of dollars being spent are not being used to provide professional rehabilitative therapy for former sex offenders with the goal of positive integration into society and not segregation and isolation. It is a tragedy that millions of dollars are not being spent to professionally help the thousands of families who physically abuse their children every day. SORNA was legislated "not because it is good crime control, but because it is good politics."

Very sincerely,

Justine Landes
Dr. Garry

Rogers, Laura

tier 3, D.P.

From: [REDACTED]

Sent: Thursday, May 31, 2007 6:50 PM

To: GetSMART

Subject: sorna rules

Dear Ms rogers,

I see a lack of due process for teir 3 people to be taking off the list. I also see a lack of due process when people are forced to carry the goverments mail box when they travel. this I feel can not be made retroactive.

Steve Oakes
[REDACTED]

8/16/2007

Dear sirs,

If the Members of congress, and other members of government have 6 months before they have to fill out any state paper work when they move, how can sex offenders have only 3 days. I see a great lack of equal due process.

Aren't Email addresses protected by the 4th admendment? And if allowed to be taken, would they not be protected as evidence.

If teir 1 can be removed from the list after 10 years, would this not deny teir 3 equal due process. these laws are suppose to be based solely on having a record, and not into the contents of the record, as per the supreme court ruleing. I can see many court challenges headed your way. I also have to wonder whats going to happen when 730 thousand sex offenders get tired of being lock up for crimes that don't apply to the rest of the public, or their leaders in government.

Steve Oakes


Rogers, Laura

From: Bob Kerr [REDACTED]
Sent: Wednesday, July 25, 2007 12:23 PM
To: GetSMART
Subject: Re: OAG Docket No 121

Director Rogers,

Why not focus on breaking down the registry into classes! This would reduce hardship on those who made a mistake in their youth and those who are true predators on *people not just children*. Every time I hear "For the Children" that seems to be a key word for the over zealot politicians who want to make a name for them selves.

You have to come to you senses on this witchhunt you have fueled the fire on.

On 7/21/07, GetSMART <getsmart@usdoj.gov> wrote:

Thank you for your feedback on the proposed National Guidelines for Sex Offender Registration and Notification. The guidelines will provide a comprehensive set of minimum standards to strengthen our ability to track and monitor sex offenders and will give us an important tool in our nation's efforts to protect children against predators. We appreciate your comments and will take them into account as we finalize this document.

Laura L. Rogers, Esq.

Director

Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART) Office

From: [REDACTED]
Sent: Friday, June 22, 2007 9:02 PM
To: GetSMART
Subject: OAG Docket No 121

This docket is absurd. Please refocus your attention to more pressing issue instead of this media witch hunt. If you would go to the class system and quit harassing people who made a stupid mistake it would not destroy more lives!

The following is a list of issues as I see it with the SONRA. I would suggest that people write to the office of SMART. They should rewrite the issue as they see it. I am listing them by number only that is not to say the first numbers are the most important.

1. Sec 118 subsection (f) This is the section on using the list to cause injury or harassment to commit may be a crime. Issue; I feel the word may should be changed to shall result in civil and criminal penalties. This would require if the word shall were put into the law the police would have to take a report if an SO is harassed or injured because

8/16/2007

their information was on the SOR.

2. Sec 114 (a) (7) this section states that if a SO is going to stay in any one place more than 7 consecutive days they must register that location as one they may stay in.

Issue; I feel that this should read in 7 seven days anyone calendar year

3. Sec 114 (a) (6) (a) (7) All vehicles including water craft or any type of vehicle shall be part of the SOR.

Issue; As I see it this information should only be available to Law Enforcement and be added to section 118(b) and Part VII as mandatory excluded information from the public. I have many reasons that I feel this information should not be public. But the main one was what happens when other people drive that vehicle; not the SO, these people will be subject to possible road rage and harassment as they travel down the roads, this will cause a danger to all the people around them. Furthermore this could cause more unjust convictions of person on the SOR as this would give a person enough information on the SO to report a false crime that the SO did.

4. Sec 113 (a) (b) (c) and also in sec. 117 (a) This is the 3 (Business days) day rule that req. the SO to report any change in address, school, or work. Also it requires the SO to report immediately any change in vehicles, phone numbers; cell or land line and any change in internet status. (IE new e mail address, new screen name and so on) Issue this is to short of a time frame to report, take for example a person moves

--
Bob Kerr
[REDACTED]
[REDACTED]
[REDACTED]

Rogers, Laura

From: [REDACTED]
Sent: Saturday, June 02, 2007 10:53 PM
To: GetSMART
Subject: Sexual predators new laws

Why I put this together and some other issues:

- 1. When parents check the computer, they should have a clear understanding of what crimes the sex offender has committed.**
- 2. Having clear laws and language describing the crime the same nationally will help when a sex offender moves.**
- 3. Having clear laws and language throughout the nation will also help young men and women realize what behavior is a crime. Our society is saturated by sexual images in the media, internet and in our society as a whole – strip clubs, adult stores with pornography etc., adult movies and programming on television, prostitutes, magazines, etc.**
- 4. The issue with the tattooing is that it would be much easier for families and children to be safe if we are still letting these people out of jail and prison. It is time we make children and families more important than a sexual predator.**

SEX OFFENDER'S CRIME

Sexual Assault:

First Degree

Second Degree (Unable to Consent)

Incest

Attempted Sexual Assault: No

Penetration

First Degree

Second Degree

Incest

Intent to Commit Sexual Assault:

Sexual Assault by Voyeurism (wanting someone to see, fear, hurt)

Sexual Assault by Indecent Exposure (wanting someone to see, fear, hurt)
(vs. Exhibitionism)

Trespass/Burglary

Sexual Exploitation of Children:

Possession of Child Pornography

Trafficking in children;

Procurement of a child for sexual exploitation;

Soliciting for child prostitution;

Pandering of a child;

Procurement of a child for prostitution;

Keeping a place of child prostitution;

Pimping of a child;

Inducement of child prostitution;

Patronizing a prostituted child;

Engaging in Sexual Conduct in a Penal Institution;

Wholesale Promotion of Obscenity to Minors; and

Promotion of Obscenity to Minors

Criminal attempt, conspiracy or solicitation to commit any of the above offenses.

Statutory Sexual Assault

child/child - boyfriend/girlfriend - with consent

PUNISHMENT

Mandatory Family Counseling (Fine)

Probation, Offender Counseling (Fine)

3-12 months jail, Tattoo, Offender
Counseling (Fine)

1-5 years prison, Tattoo, Offender
Counseling (Fine)

6-10 years prison, Tattoo, Offender
Counseling (Fine)

11-20 years prison, Tattoo, Offender
Counseling (Fine)

21 years to life in prison with the choice
of death

AGE OF OFFENDER

0--4 5--8 9--11 12--14 15--17 18 older

| | |
|-----------------------------------|--|
| AGE OF VICTIM | 0--4 |
| | 5--8 |
| SEXUAL ASSAULT | 9--11 |
| 1ST OFFENCE | 12--14 |
| | 15--17 |
| | 18 older |
| | 0--4 5--8 9--11 12--14 15--17 18 older |
| | 0--4 |
| | 5--8 |
| ATTEMPTED | 9--11 |
| SEXUAL ASSAULT | 12--14 |
| 1ST OFFENCE | 15--17 |
| | 18 older |
| | 0--4 5--8 9--11 12--14 15--17 18 older |
| | 0--4 |
| | 5--8 |
| INTENT TO COMMIT | 9--11 |
| SEXUAL ASSAULT | 12--14 |
| 1ST OFFENCE | 15--17 |
| | 18 older |
| | 0--4 5--8 9--11 12--14 15--17 18 older |
| | 0--4 |
| | 5--8 |
| SEXUAL | 9--11 |
| EXPLOITATION OF | 12--14 |
| CHILDREN | 15--17 |
| 1ST OFFENCE | 18 older |
| | 0--4 5--8 9--11 12--14 15--17 18 older |
| | 0--4 |
| | 5--8 |
| STATUTORY (I NEED TO CHECK | 9--11 |
| THE LAWS WITH AGE | |
| DIFFERENCES) | |
| SEXUAL ASSAULT | 12--14 |
| 1ST OFFENCE | 15--17 |
| | 18 older |
| | 0--4 5--8 9--11 12--14 15--17 18 older |
| | 0--4 |
| | 5--8 |
| SEXUAL ASSAULT | 9--11 |
| 2ND OFFENCE | 12--14 |
| | 15--17 |
| | 18 older |
| | 0--4 5--8 9--11 12--14 15--17 18 older |
| | 0--4 |
| | 5--8 |
| ATTEMPTED | 9--11 |
| SEXUAL ASSAULT | 12--14 |

2ND OFFENCE

15--17
18 older

0--4 5--8 9--11 12--14 15--17 18 older

0--4

5--8

INTENT TO COMMIT

9--11

SEXUAL ASSAULT

12--14

2ND OFFENCE

15--17

18 older

0--4 5--8 9--11 12--14 15--17 18 older

0--4

5--8

SEXUAL

9--11

EXPLOITATION OF

12--14

CHILDREN

15--17

2ND OFFENCE

18 older

0--4 5--8 9--11 12--14 15--17 18 older

0--4

5--8

STATUTORY

9--11

SEXUAL ASSAULT

12--14

2ND OFFENCE

15--17

18 older

* making it simple for everybody it the best way to keep us all save. And it starts with the children. I'm a victim myself and it destroyed my life for many years. Until we prove to our children that they are important enough to protect, we will continue down this road. The more children that are victims of this abuse, the more predators we are creating.

Contact:

Author Becky Due



The Gentlemen's Club, A Story for All Women

ISBN: 0-9746212-0-X

Blue the Bird, On Flying

ISBN: 0-9746212-1-8

Touchable Love, An Untraditional Love Story

ISBN: 978-0-9746212-2-7

8/16/2007

Rogers, Laura

general

From: [REDACTED]
Sent: Wednesday, July 25, 2007 7:46 PM
To: GetSMART
Subject: AWA response

Mr. Gonzales,

I am writing this letter in regards to the recently passed Adam Walsh Act and in regards to sex offender registration in the state of Washington. As the mother of four children and a teacher in the state of Washington, I share your concern for the welfare of not only my children and students but of those everywhere. In addition, I am a survivor of childhood sexual abuse.

Because of your concern for children and indeed the community in which children reside, I commend you for your efforts to protect children and pass legislation designed to make America safer for the future generation. I know that you are only interested in doing what is best for children and families. However, I am frustrated at the lack of effective legislation and at the amount of laws and regulations passed at both the state and national level which are not only ineffective and expensive, but harmful to families. While I recognize that sex offenses are abhorrent, I am disgusted at how many laws continue to be passed that ignore real statistics and instead feed into the media and politically induced hysteria surrounding these crimes. Relying solely upon statistics published by America's own department of justice, it is apparent that lawmakers are either unaware of the true statistics or are turning a blind eye to the truth. I pray that you are not one of these lawmakers.

The Adam Walsh Act (AWA) is hailed as legislation that will "finally" tighten up the registration laws and reduce or eliminate repeat offenses. Nothing could be further from the truth. This law has tightened registration laws to the point that it will make it nearly impossible for registered sex offenders to fully comply. This will result in further unnecessary incarceration as well as send even more underground. Frankly, these results will make it more difficult and expensive for law enforcement to keep tabs on previous offenders and many agencies have already voiced this concern. However, I have additional concerns that deal specifically with the lives and welfare of thousands of children across the United States and in the state of Washington.

Families are the basic unit that this country is built upon. Sex offenders are not all crazed individuals and they each have families of their own—families who do in all likelihood have voting rights. However, many sex offender families are afraid of speaking out for fear of repercussion. I no longer fall into this category—and I am the wife of a sex offender. I speak from experience and with concern for the welfare of sex offender families everywhere. It is a media induced fallacy that all sex offenders re-offend; in fact, the below listed department of justice study and many others indicate that only about 5% do re-offend. Those who do, I have little if any sympathy for and agree that they should receive stiffer penalties along with those who use heinous violence and/or rape pre-pubescent children. However, there are quite a few on the registry who are guilty of having a consensual relationship with someone underage (often someone who lied about their age) or who are guilty only of turning 18 and continuing in a relationship started before that magical birthdate. I have also witnessed firsthand and know of other situations that involve an accusation rendered just to secure custody or to take revenge against someone. None of these situations are violent nor do any of these individuals pose a threat or serious risk to society in general and yet they are treated nearly the same as or worse than a serial criminal and even a violent child rapist.

8/16/2007

I have felt that Washington laws, registration requirements, and notifications were actually quite fair and took into account the differences among crimes. As the wife of a soon-to-be released sex offender who had an affair with a teen (incidentally, whose guardian knew about the affair, met him, and even drove her to our home), I have felt that the laws were in the best interest of all involved and even supported my husband in his decision to plead guilty in order to spare her family the ordeal of a trial and the embarrassment to her negligent parents. However, this federal piece of legislation flies in the face of you and other WA lawmakers' due diligence and sets up ridiculous laws that seriously jeopardize my family's—including our children—right to privacy, property, and even safety and so I am speaking out to encourage you to stand up for the rights of our state to govern itself.

The AWA's way of tightening restrictions includes dividing all offenders into three tiers with no regard to circumstances, recidivism risk, completion of treatment, or anything else. Instead it lumps nearly all offenders together and will increase the risk level of nearly all offenders. My husband is one of those who will be moved from a low risk level 1 to a tier 2 thus changing his registration period from 10 years to 25 years and requiring 6 month registration instead of annual registration. This is costly to the American taxpayers and does nothing to improve public safety. In fact, it compromises it as the increased publicity and public access provides anyone the "right" to view private information about thousands of families, many with children, across the United States and it removes any incentive to complete treatment. As a teacher, I have already personally witnessed bullying that can occur when a parent of one student is discovered by another student's family to be on the registry. Hysteria is bred when the words "sex offender" are used. Irresponsible laws such as these incite paranoia and the incorrect information that feeds into this is creating a sub-class of citizens with little or no rights even if they are only guilty of being the family member or child of a sex offender.

The AWA compromises the safety of my children, and thousands more, by insisting that all sex offenders be lumped together in one of three categories without taking into consideration circumstances. My husband, under WA law, is a level 1 since he committed a class C felony in the 3rd degree, indicative of the consensual relationship it was. His relationship was wrong, make no mistake, and I cannot overstate just how hurtful and wrong it was. However, we have been able to work through this horrible affair and begin the process of healing. Why, then, must my address and the address of my four children be posted on the internet for all to see? This will be the case under AWA and it opens all of us up for public scrutiny, for vandalism, for ridicule and more. In addition, this law requires that all vehicles he will have access to be listed. How will that be safe for my teen-age soon-to-be driver when she is driving a vehicle registered to a sex offender whose license plates are publicly registered? Or for me when I drive such a car to work? In addition, publishing employer information will discourage employers from providing employment which further jeopardizes our family economically. While this is not deemed "punishment" these requirements certainly do punish the innocent members of our family. Likewise, listing our ISP provider, e-mail addresses, and related information furthers the breach of safety and privacy that my children and I, as law abiding citizens, should be allowed to enjoy.


I invite you as a responsible attorney general to visit the Department of Justice website and examine the true recidivism statistics and learn about why sex crimes should not be all lumped together. I also invite you to re-read the constitution and its stance against ex-post facto laws. WA laws work and many other states do as well. We do not need the federal government overturning states's rights. When faced with the numbers, I'm confident that you will also find that the 10% reduction in funding will be less than the amount of money it will actually take to implement this law in our state.

Below I have listed several websites that provide information about sex offender families—for my family is really not all that unique and we are banding together to protect our families since lawmakers are choosing to put us in harm's way. I pray that you choose not to be one of them. Continue to work

hard for America and work to change ineffective and expensive legislation to make it equitable, fair, and safe for ALL of America's children—including mine.

In this upcoming election year I, and thousands of citizens just like me, are watching these decisions so that we will know how to vote. While the sex offenders we care for may not be allowed to vote, we still have our rights and will exercise them.

Thank you for your time,


Wife, mother, and teacher

Access to Relevant and Accurate Information About Sex Offenders, Recidivism, and Families

U.S. Department of Justice Study: <http://www.ojp.usdoj.gov/bjs/abstract/rsorp94.htm>

Other sites with relevant and accurate information:

SoHopeful International (dedicated to fighting child abuse worldwide): <http://www.sohopeful.org/>

Legal issues and myths debunked: <http://www.geocities.com/eadvocate/issues/topic-recidivism.html#studies>

Astins Law (dedicated to promoting effective legislation against sex offenders):
<http://www.hope4tomorrow.us/AstinsLaw.html>

National Association for Criminal Defense Lawyers:
<http://www.nacdl.org/public.nsf/01c1e7698280d20385256d0b007>

Rogers, Laura

From: [REDACTED]

Sent: Sunday, June 24, 2007 8:22 PM

To: GetSMART

Subject: think about it

to whom it may concern,
how many times do they have to pay for there crimes. what about there families? how is that they would stay in the system longer this way? especially people charged in the military? they get punished twice or 3 times? you are getting all this info on them that is crazy are you looking for them and there families to get hurt?

Rogers, Laura

From: [REDACTED]
Sent: Tuesday, June 12, 2007 10:26 PM
To: GetSMART
Subject: Adam Walsh Proposed guidelines

SMART Office
810 7th Street, NW
Washington, DC 20531

Attention: Laura A. Rogers, Esq, Director

Dear Ms. Rogers,

I am writing with concerns about the newly proposed guidelines for the Adam Walsh Act, proposed by Attorney General Garcia.

I am a secondarily convicted registered ex-sex offender. My husband was convicted in early 1994, now 13 years ago. He has had only traffic tickets since then. He has been a great husband and father. He was originally convicted in Idaho, and then moved to Utah. Since Utah did not have an equivalent for his crime, something "as close as we can get" was used. His crime was against a 17 year old. His posted Internet crime was against someone under 14.

Our home and property in Utah were constantly vandalized. We had eggs, a dead pigeon, screws placed under tires, and "Young girls make me horny" spray painted on my son's car. We also had broken windows in our cars and feces smeared on them. All because my husband stupidly touched the breasts of his 17-year-old stepdaughter in 1993. These continued acts of vandalism influenced our decision to move somewhere not so easily accessible.

At the time of my husband's conviction, he received probation. There was no additional sentencing. However, because of the Supreme Court decision, anyone in the world can look us up. The Supreme Court deemed Internet posting was not additional punishment, and therefore could be imposed retroactively, violating our constitutional rights. We also were denied any due process to assess for danger of recidivism. The Supreme Court was wrong. The vandalism, fear and ostracism are most definitely additional punishment for my husband and myself.

I believe public access to private information is wrong. I have been unable to find anywhere in my extensive research where anyone has verification that Internet registration works to keep children safe. In fact, it has effectively created a second class citizenry--the families of the sex offenders, who often cannot find jobs and homes. This creates instability, which is the opposite of what a sex offender needs to reform and readjust to society. An unstable sex offender is much more likely to re-offend than one who has a home, a job and a steady paycheck.

The sex offender registry lumps everyone together in a one size fits all scenario. This is like someone drinking and driving and killing a family (traffic violation) lumped together with someone who got a parking ticket (still traffic violation). The offenses are just not the same.

The number of registered sex offenders in 2001 was approximately 386,000. In 2006 it was more than 600,000. Something is not working!

I believe the sex offender registry should be done away with entirely. I believe that sex offenders

should be required to undergo therapy and testing, perhaps even polygraph testing, to see if they are truly the danger the media and politicians make them out to be. I believe at the very least a tiered system should be established. I believe there should be a "way out" for a sex offender. Perhaps being "clean" for 10 years, taking and passing a therapy treatment session, checking in with a clinic or practitioner every year or two to make sure he or she is still on the right path. The 90% should not be punished for the 10% who are a danger.

There are many other options proposed by experts that work. Please take the time and effort to find a solution that will work!

Thank you for your time.

Sincerely,

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Rosengarten, Clark

From: Rogers, Laura on behalf of GetSMART
Sent: Tuesday, July 31, 2007 11:00 AM
To: Rosengarten, Clark
Subject: FW: Docket No DAG 121

-----Original Message-----

From: [REDACTED]
Sent: Monday, July 30, 2007 6:34 PM
To: GetSMART
Cc: [REDACTED]
Subject: Docket No DAG 121

I am writing to give input regarding the new AWA legislation that has been passed by Congress and signed by President Bush. Certainly everyone needs to do whatever is necessary to protect our children from sexual abuse. Unfortunately, the AWA does not do anything to address prevention of such issues - but merely tries to continue to punish, isolate, and disenfranchise anyone has been found guilty of sexual misconduct. The laws that have been passed, all though well-intended - do virtually nothing to address the fact that most cases of child sexual abuse happens to a child by someone they know and trust. It also fails to recognize that these abusers do in fact have a low recidivism rate, that families continue to be torn apart because of the laws that are continually put into place. The fact that the AWA is retroactive in application is wrong. Regardless of how the laws are defined and explained they do, in fact, add additional punishment to the offender and thus to his/her family and often time even the victim.

As the wife of a RSO in Florida I have seen first hand what these laws have done - especially to my now adult grandson - the victim of my husbands inappropriate and illegal acts, as well as the rest of our family. The abuse occurred more than 10 years ago. My husband and grandson have a wonderful relationship now but the continuing passing of additional laws and regulations, make it ever more difficult. He never wanted his grandfather to suffer endlessly for what happened. In order to understand this you would need to fully understand my husband. He made a grave mistake but he is kind and considerate man who is doing everything asked of him - and more - to pay for this mistake. He is involved in on-going counseling. He has acknowledged his guilt. He follows every rule to the letter, he does everything he can to make amends to everyone. One of the "small" additions of the AWA will now require that his place of employment be listed on the registry....although his workplace knows of the issue and have always been supportive of him....being listed may, in fact, be more than the institution can handle. If the registry were used for law enforcement it would make sense. To publish all of the information for pure strangers to read and react to is only asking for trouble. As you are aware acts of vigilantism are not uncommon. Although my husband's entire family, circle of friends and his place of employment have stood behind him, the changes in laws and expectations are producing increasing anxiety, concern, and anger....for everyone who knows him....He has not reoffended --yet the rules keep changing. Life is no longer like it was when this abuse was first reported and dealt with - legally and within our family. Although adjudication was withheld and my husband was never incarcerated, things continually get more and more difficult. After more than 10 years that doesn't make any sense at all.

Additionally, the AWA - as well as other laws passed in many states - do little to realistically differentiate between "true" predators and those who have made mistakes in their interactions with a family member or someone they know. I urge that the AWA be re-examined in light of the many issues it is producing in our country. We need to insure that treatment is available (it does work), that prevention plans are developed and implemented for children and families, and that if new legislation is passed it should be restricted to those who are newly identified and found guilty of abuse....not for those who have "paid their debt to society" or who are complying with the restrictions they agreed to at the time of a court hearing.

I could go on and on but suffice it to say the AWA in its present form will not protect children. Most children of abuse are known by the abuser....so how does the registration being made available to the general public really help? Additionally, there are many other implications of AWA that make it increasingly difficult for my grandson, his wife, the rest of our family. I live in fear everyday of my life. We have been fortunate that we only had one incident of harassment...but how long will that last???? I urge that changes be made that will truly protect children...the AWA does not do that!!!!!!

Sincerely,

[REDACTED]

Rogers, Laura

From: [REDACTED]

Sent: Monday, July 23, 2007 5:39 PM

To: GetSMART

My husband is a registered sex offender. As a family we have ridden waves of uncertainty and despair. We have two children. My husband is not a bad person, he made a mistake. Life is different for us. We have restrictions that are placed on us because of what he did in the past. Yes, I know I chose to be with him and accept those restrictions also. We are on a roller coaster ride never knowing if we will be able to stay at our house. You see a little backwoods church that only meets one Sunday a month is going to make us leave the only place my children have ever known. We live next to a network of family. His sister lives next door and parents right up the street. He has lived here his whole life and it just seems unfair to make us move because the church is 400 ft. He never denied his guilt and paid all his fines served his time. So for the rest of our lives we will suffer because he is a registered sex offender. We rack our brains to find a way to be safe and secure in our existence. We just want to raise our kids the best possible way like any good parents and live in peace. Why can't there be classifications for sex offenders? My husband is not a predator and pedophile.

Thanks, [REDACTED]

Pinpoint customers who are looking for what you sell.

Rogers, Laura

From: [REDACTED]
Sent: Sunday, May 20, 2007 10:49 AM
To: GetSMART; GetSMART
Cc: [REDACTED]
Subject: SMART

Sirs...

I am in total agreement with what you have so far. I only have 1 MAJOR concern regarding this:

There is a DANGEROUS LACK of sex offender therapy programs in alot of states.

I am a rehabilitated, convicted level 3 sex offender who wants to see stronger laws put into place regarding sex offenders. I was convicted in 1985 of indecent assault and battery on children and spent 7 years in prison getting the therapy I needed in order to make sure that when I was released, I would never reoffend again.

The therapy that I had receieved when I was incarcerated at the Hampden County House of Correction, was VITAL to me in changing my life around and the programs for sex offenders who become incarcerated, are being eliminated due to budget cuts in the Department of Correction funding and this is a MAJOR PROBLEM.

In order for sex offenders to be rehabilitated, there needs to be 2 MAJOR factors:

1. The sex offender needs to have an honest desire and a willingness to change his/her life around to stop the offending behavior and needs to accept the responsibiility for his/her behavior and there ARE ways to see if a person is honest in his/her willingness to change, but involves the Department of Correction and thier willingness to report inappropriate behavior which may seem normal, but is inappropriate with changing behavior. These behaviors may include (but are not limitted to) yelling at people who are weaker than they are; being bullies; not concerned about the safety of others; not reporting inappropriate behavior of others; having normal conversations with people and then becoming silent when an authority figure is present, etc.
2. There HAS to be programs in all House of Corrections that begin the therapy process. When a person is arrested for a sexual offense, they are held at a local jail or House of Correction (HOC) where they await a trial. While being held, the therapy process should be started to maximize the progress that a sex offender can make during the time of incarceration. Of course, there are issues regarding this as to what can be disclosed before being sentenced as any sex offender therapist is a mandated reporter and if any additional victims are disclosed prior to being sentenced, then these can be added to the charges the sex offender would be currently facing, but these programs that could be initiated could be just to change the person's thought process (cognitive, behavioral therapy) which is an important step to change a person's thought process. One the offender is sentenced to a prison or HOC, then direct sex offender therapy can begin and the individual already has a jump start on his/her therapy due to the "pre-sentence" therapy that they had already received prior to sentencing.

These ideas are completely my ideas, but they are coming from a person who was convicted of sexual

7/21/2007

offenses against children and wants to see this crime stopped. The rates for recidivism of sex offenders is already low (5.3%) but if there as anyway to bring it down lower or to stop it, than this is even better.

Please do not throw off my ideas because I'm a sex offender. The ideas that I just gave to you, are from the sex offender program that iwent through at the Hampden County Hose of Correction back in 1985 and it was the best thing that happened to me because if it was not for the program or the therapist who spent the time and effort to help me, than I would not have rehabilitated myself and changed my life around

Rosengarten, Clark

From: Rogers, Laura on behalf of GetSMART
Sent: Tuesday, July 31, 2007 10:55 AM
To: Rosengarten, Clark
Subject: FW: SORNA Comments and Concerns
Attachments: SORNA Comments and Concerns.pdf

From: [REDACTED]
Sent: Monday, July 30, 2007 11:20 PM
To: GetSMART; AskDOJ@usdoj.gov; senator_leahy@leahy.senate.gov
Subject: SORNA Comments and Concerns

Dear Attorney General Hon. Alberto Gonzalez, Department of Justice SMART OFFICE Director Laura L. Rogers, Judiciary Committee Chairman Hon. Patrick Leahy:

The deadline for comments for SORNA (known as the Adam Walsh Act) is July 31st.

Please find attached a .PDF file highlighting my comments and concerns about SORNA, and a brief history on how sex offender registration, offender treatment, and the legislative/judicial process has affected me personally. Please take the time to read it and feel free to respond if you have any questions and comments. Please distribute it to those involved in making policy on this very important topic.

If you are unable to open the document, please contact me and I will send it to you in a different format.

Sincerely,

[REDACTED]

[REDACTED]

7/31/2007

Monday, June 30th, 2007

[REDACTED]

Subject: *Docket No. OAG 121*

*Laura L. Rogers, Director
SMART Office, Office of Justice Programs,
United States Department of Justice,
810 7th Street NW., Washington, DC 20531.*

RE: SORNA Comments and Concerns

Dear U.S. Department of Justice, Alberto R. Gonzales, Attorney General, Ms. Laura L. Rogers, Director, and all interested parties:

I have several comments and concerns about the new SORNA registration requirements, as it relates to offenders, especially young offenders, and more specifically the stigma and the restrictions placed on registrants through SORNA. I also have some concern on how the law will be implemented regarding registrants who move between jurisdictions, and how currently it is conflicting.

PART I: About Myself and My Charges

Let me tell you a little about myself first. My name is [REDACTED] In April 1998, I was convicted in Connecticut of a risk of injury to a minor charge C.G.S. § 53-21. I was a teenager, just 19 years old at the time of my conviction, when I had sexual contact with my underage girlfriend (consensual), then just shy of 14 (there was a five-odd year age difference). I had just finished high school, and my arrest turned my world upside down. At first, the

prosecutor mentioned lengthy jail time, as my crime was a felony. I was very anxious and afraid. My parents had never explained to me that there were laws forbidding such Romeo – Juliet type situations.

To avoid jail time, my lawyer suggested that I plead Guilty in exchange for a probationary term. I was placed on ten years of probation, with all jail time suspended. I was *relieved*, and I decided to continue on to college, and work part time. At first my probation was pretty easy-going, except for one part. The Court ordered "sex offender treatment", and the first place that I was sent to, The Sterling Center, in Shelton, Conn, was all older men, all whom had served prison time, and most who were in for molesting children, or forcible rape. This place scared me, and it was not therapeutic, as I would rarely talk in group therapy, as I could not relate to the others.

But soon I moved away to attend school in another part of the state, and I went for treatment at Northeast Clinical, in Plainfield, Conn., where, to my surprise, the therapists were very compassionate and friendly, and all of the "sex offenders" were adolescents in my age group (17-25 years old). I related very much to the others, and readily participated in group therapy. Therapy was age-appropriate, and we were taught that since we were older than our younger girlfriends and victims, we used our age as a manipulating factor. We were also taught about victim empathy, forming healthy relationships, learning about STD's and other related topics. I want to commend Rebecca Bowen, LCSW, as an excellent therapist, who helped me in treatment when I needed help, and I soon (well after a few years) successfully completed my "sex offender treatment".

Part II: My Introduction to the Complexities of Megan's Law

I thought all was well, but, starting in October 1998, a new law, P.A. 98-111, C.G.S. § 54-250, *et. seq.*, known as Megan's Law, was being phased in, in Connecticut. I was informed, by my then Probation Officer, Ms. Renu Bains, under threat of arrest, that I would have to go down to the State Police Barracks at a specified time, and give a blood sample for DNA analysis, and register my name, address, identifying characteristics, and fingerprints. (Along with many others, I tried to argue that I was convicted before the law went into effect, and also that my crime was not covered by the statute, but being young I could not afford legal help, so I just "did what I was told"). I was very intimidated. But I was told that only the police will have access to this information, and this put me a little at ease. After all, how would this affect my future if only the police knew...

Yet the law changed. The U.S. Supreme Court's ruling in *Conn. Dep't of Pub. Safety v. Doe*, 538 U.S. 1 (2003), along with *Smith v. Doe*, 538 U.S. 84 (2003) allowed the registry information of all the States to be a public record, not subject to ex-post-facto invalidity, and without regard to demonstration of a registrant's dangerousness. This time, everyone's information (in Connecticut, that meant everyone who registered, from a young man with an underage girlfriend-type situation, to the most violent rapist) would be lumped together, for everyone to see, on the Internet.

I was afraid again. I would be shamed, stigmatized, denied employment, housing, everything, as soon as anyone with a computer and the Internet would type in my name. I would be right there, listed next to hardcore rapists and child molesters, convicts whom had served hard time.

But I did have some relief. In Justice Souter's concurrence in *Conn. Dep't of Pub. Safety v. Doe*, *supra*, he illustrates "[Connecticut] thus recognizes that some offenders within the publication requirement are not dangerous to others ... and the legislative decision to make

courts responsible for granting exemptions [from Internet publication] belies the State's argument that courts are unequipped to separate offenders who warrant special publication from those who do not. He points out a familiar argument, my key argument: "The refusal to allow even the possibility of relief to, say, a 19-year-old who has a consensual intercourse with a minor ... is therefore a reviewable legislative determination" *Id.* "To mitigate the retroactive effects of the statute, offenders ... who were convicted between October 1, 1988, and June 30, 1999, were allowed to petition the court for a restricted dissemination of registry information."

Footnote at Ibid.

I petitioned the sentencing Court in 2004, and was granted, under Connecticut Law, a petition to restrict community notification (i.e. posting of my information on the internet registry is restricted) of my information (due to my low risk as an offender) under C.G.S. § 54-255(c)(5). I was *releived*, once again, as my nightmare of a 24-odd year-old kid's inclusion in a public database of child molesters and violent rapists was not to be. But I was fearful that the law might change in the future...

Part III: Moving to New Jersey, Home of Megan's Law

Shortly after finishing school in Connecticut, I moved to New Jersey, about halfway into my ten-year probation term, because I had found work here, and to live with family. I'm living here still today. I transferred my probation under the terms of the Interstate Compact for Adult Offender Supervision, C.G.S. § 54-133, et seq. and N.J.S.A. 2A:168-26. I was required by the sending state, that is, Connecticut, to register as a sexual offender upon my moving into New Jersey under its laws N.J.S.A. 2C:7-1, et seq. New Jersey is a "tier" state, which assigns levels to sex offenders based on their risk of re-offense. I was assigned to Tier I (Low Risk), the least likely to offend, and my registry information here, as in Connecticut, was restricted, not public, and dissemination was allowed only to law enforcement personnel.

Part IV: Moving Forward

Currently, I have less than a year left on my probation, and have been registered under Megan's Law (both in Connecticut and New Jersey) for a combined nearly ten years. I have stayed out of jail, and have been gainfully employed, and have not been convicted of any further crime. This April, under current law, I will be heading back to Connecticut, to ask my Probation Officer for a letter stating my successful completion of probation. I will also no longer have to register as a sexual offender in Connecticut as the registration term is ten years. I will petition the Courts and the Department of Public Safety to remove all my registration information as provided by law, as that is my right. I am, and will be, a law abiding citizen and taxpayer, without the "sex offender" stigma any longer.

Part V: Concerns About SORNA

Now, the important part: SORNA, as I see it, will have a NEGATIVE effect on low-risk sexual offenders, and former sex offenders, such as myself. It is missing the required aspects that will make sex offender laws across the country uniform, and provide the balance of safety for the public and children, as well as notification of dangerous, repetitive, and compulsive sex offenders, without causing unneeded alarm and stigmatization of low-level offenders.

Concern 1: SORNA assigns tiers, Tier 1 being low-risk, Tier 2 being moderate, and Tier 3 being high-risk, according to predicate crimes. This is the wrong approach. First, many high-risk rapists and child molesters plead Guilty to "lower" predicate offenses, thus leading them to be mislabeled. Also, many States have already "tiered" their offenders using scientific scales and assesment tools, and multiple criteria, see N.J.S.A. 2C:7-8. And many Courts have "restricted" sex offender information dissemination for low-risk offenders, see C.G.S. § 54-255.

SORNA will, in effect, change offenders' tiers arbitrarily, capriciously, and inaccurately. There must be a petition that can be made to the court to relax this rule. Also, tiers should transfer between States, as registrant is Tier I in State "A" and upon moving to State "B" he should expect to be Tier I also, under the Full Faith and Credit Clause, Art. IV. Sec. 1. U.S. Const.

Concern 2: SORNA assigns registration length based on the tiers. A low-level or low-risk offender has no mechanism to judicially challenge their being placed into a higher tier under SORNA. New Jersey has found this to be unconstitutional, see *Doe v. Poritz*, 142 N.J. 1 (1995), and the higher tier ranking will increase the offender's registration period, from ten years in most states, to **fifteen, twenty five, or lifetime**. All with no Due Process mechanisms. There must be a petition that can be made to the court to relax this rule.

Concern 3: SORNA states that ALL offenders whose offense is against a minor (even in cases of statutory rape, Romeo – Juliette type relationships, and perpetrators of incest or in cases where the victim can be discerned from the registration information) must be made public over the Internet. This is not prudent. There must be an exemption clause or a petition that can be made to the court that will relax this rule.

Concern 4: SORNA does not impose the same registration length period consistently among the States. Consequently, some states may require lifetime registration for all registrants; thus, for example, a **fifteen** year registrant who is no longer required to register in State "A", will have to register for **life** upon moving to State "B". Similarly, State "A" might not give a registrant credit for the **five** years he had registered in State "B", thus allowing registration periods to go on in perpetuity. SORNA must make registration length uniform among the States, and allow for registration "credit" under the Full Faith and Credit Clause Art. IV. Sec. 1. U.S. Const.

Concern 5: Once a registrant has fulfilled the terms of registration in the sentencing state, all other jurisdictions must remove the registrant from SORNA. An individual must not have to keep concurrent registrations in the several states which he has lived in the past. I see nothing in SORNA to prevent such a situation. This violates the Equal Protection Clause of the U.S. Constitution.

Concern 6: Finally, the most important – SORNA does NOTHING to prevent sexual offender registration from turning into a PUNITIVE measure. Currently, MOST states are restricting where registrants (even sex offenders who have successfully completed therapy, and probation/parole) can live (1000 feet, 2500 feet, creating sex offender clusters, banishing offenders from whole cities), purchase a home, play in a park (even with a registrant's own children), treating registrants differently under criminal sentencing schemes (for example, not allowing plea bargains for this certain category of offenders), putting the "scarlett letter": a sign in front of the offender's house, or a special symbol on the offender's driver's license, among other things. SORNA does nothing PROACTIVE to limit itself from violating the Equal Protection Clause among younger offenders and nonviolent offenders, violating the Ex-Post-Facto Clause when States enact punitive restrictions on registrants, offers no Due Process protections to registrants, and is bordering on not being a REGULATORY measure protecting the public, but an UNCONSTITUTIONAL PUNITIVE measure which will be held to many challenges.

Conclusion

I sincerely wish to protect children from predators and pedophiles, but I want to see this done in a clear, constitutional manner, relying on facts about sexual offenders, not paranoia. Remember, most children that are sexually abused, are abused by someone they know, most often a family member. Most sexual abusers are not registered sex offenders. Most never get caught. However, it's not the kid who happened to have an underage girlfriend ten years ago, who happened to get caught, that poses a problem. PLEASE IMPLEMENT SORNA THE RIGHT WAY.

Sincerely,

A large, irregular black rectangular redaction mark covering the signature area.A small, horizontal black rectangular redaction mark covering a line of text, likely an address.

July 31, 2007

To Whom It May Concern:

There are many items in the referenced proposed regulations to which I expressly object. However, in order to ensure brevity, I will not address them individually, instead I will address the overall intent and direction therein.

People want to live in a safe society. This is a worthy goal and the ultimate expression of the function of government. Laws limiting behavior are therefore necessary. People want to live in a risk-free society. This is the ultimate folly and the source of countless revenue to the pockets of lawyers milking money from all sides, victims and victimizers as well as the general public.

These sex-offender laws restricting the otherwise legal behaviors of individuals who have been previously found guilty of a sex-related offense fall into the later category. While wrapped in the comfy-cozy language of ensuring the safety of the public, they only result in re-victimizing the offender's family while not increasing public safety one ounce.

Why will safety not be increased? Simple, recidivism statistics gathered by the office of the Illinois Attorney General show that overall recidivism for sex-offenders in Illinois is under 36% and for those that completed an approved sex-offender treatment program, the rate is well under 10%. This is far lower than any other felony conviction.

You may say, yes – but even one more victim is one too many. True, but that victim will (or will not) be there irrespective of this law. Obviously, fear of consequences was insufficient to prevent the first incident resulting in the original conviction. Why should it be sufficient to prevent the second? However, with parents and others feeling safer with this law in place, it ignores completely those individuals in public places who have not yet offended (or at least been caught). With new convictions at an all-time high, this is the greater risk – not a repeat offender. This law is a useless panacea to give people an unrealistic illusion of safety while doing nothing to actually provide that safety. The problem is far too widespread in our highly sexualized society.

Certainly there are very high-profile cases of repeat offenders that make national headlines. These are the exceptions, not the norm and they exist within every criminal classification. Why single out these offenders? Why not a national registry of drunk drivers? More people are killed and injured annually by drunk drivers than are assaulted by sex offenders. Why not a drug dealer registry? There are more drug pushers lurking near schools than dirty old men. Psychological counseling may help a victim of abuse, but it takes much more than that to recover from heroin addiction.

Convicted sex-offenders, while detestable to many, have done what all other released offenders have done. They have paid the penalty imposed by society for their crime(s). Post release, they have the same right as every other citizen to gainful employment and to provide for their families. Preventing this ultimate right (and responsibility) re-creates

a dangerous environment for the offender causing additional risky behavior and causing greater potential for re-offending than this proposed regulation will prevent. In simpler terms, this very regulation will result in more sex-offense victims – not less.

Where does it all end? All offenders want to be able to put their past behind them and to move forward. Laws such as this make it impractical if not impossible. The rules for those who “toe-the-line” keep getting tighter. There is no let up in sight. Where is there any “reward” for good behavior? Every practitioner of counseling or motivation understands the nature of the “carrot and the stick”. Both are needed to modify human behavior. Regulations like this totally eliminate the carrot. I understand John Q. Public not wanting to give any rewards to a sex offender. But why should the sex offender follow the rules if they only get tighter every year. This causes many offenders to slip out of the system altogether. It is obvious that causes a far greater risk. In the recent past, the offender knew if he behaved for ten years, he would be off the registry and “be free”. This is no longer true, now it is life for nearly all.

And who pays? As previously mentioned, new convictions are at an all-time high and getting higher. All these people are entering a system they can never leave. Who is monitoring them and at what cost? The men and women in probation and parole offices around the country are doing a very commendable job. But they are overworked, understaffed, and underpaid. These are society's first tier in protection. But laws like this are making their jobs impossible. Too many are totally burnt out, too many are leaving what they know to be an impossible situation. In Illinois it is nearly August and there is still no budget approved. Even if they tripled the budget for sex-offender tracking it would not fill the gap created by this law. More offenders have slipped out of the net than they have the resources to catch.

Who to track? Obviously trying to increase the total pie to restrict all offenders, we need to look at that subset of re-offenders and focus limited resources where the greatest good is achieved. Laws already call for offenders to be counseled and treated before release from the system. Those that comply, have only one offense, and are assessed as a low-risk of re-offense should be monitored for a few years and released from the system (assuming no re-offense). This is the carrot. Laws such as this should then only apply to the remainder. Resources would then be sufficient, a carrot-and-stick approach provided, and true safety increased. This regulation, as written, provides none of this.

Respectfully,


registered sex offender

Respectfully,



The information contained in this email and its attachments if any, may be protected by federal confidentiality rules (45 CFR ss. 160 & 164) and may be protected by state laws regarding confidentiality of patient records. These rules prohibit you from making any further disclosure of this information unless such disclosure is expressly permitted by written authorization of the person to whom it pertains as otherwise permitted by 45 CFR 160 & 164 and state law. Email communications are sometimes subject to misdelivery to the wrong email address, and anyone else with access to your computer may be able to access your email without use of passwords or other privacy protections. Any email communication which is sent to you may be forwarded in its entirety, including attachments, to any other internet user by anyone using your computer or the computer of the person or entity to whom you forward this email message. The privacy of our client's identity, to whom this email may pertain, or of the protected health information contained within this email or its attachments, cannot be assured, due to the lower privacy protections afforded users of email. This email communication may be discoverable or subject to subpoena in a criminal, civil or administrative proceeding. Therefore, if this email was sent to you in error or contained inaccurate protected health information, please notify us immediately via reply email to ensure that this email is sent to the correct address and to ensure that we may take any and all remedial measures to mitigate damage to our client.

8/6/2007

Rogers, Laura

From: [REDACTED]
Sent: Friday, June 08, 2007 1:01 PM
To: GetSMART
Subject: Please read...

To Whom It May Concern:

Let me start by saying I am one of those "sex Offenders" you hate so much. I know the thought of those two words sounds like an evil person who should be locked up forever, and I would have agreed with you about it in my past. I guess that's what I thought of it before I was charged with Possession of Child Pornography. Although now years after that conviction I understand a little more about some of the people who are identified as a sex offender. They are people too; many whom I know just like me are family men and women with kids. I know one boy who is 13 years old, he looks to be just 10 or 11 but he is a registered sex offender and all laws you come up with to make our lives harder applies to him forever also.

Please understand Im not writing this to say we are not guilty for the crimes committed, because I'm not saying that at all. What we did was wrong and most of us had to do lots of time in prison as well as live the life of a registered sex offender. In my state I have to get a new drivers license every year that says sex offender on it, reregister taking new pictures every 90 days and pay a \$20.00 fee for it. Worst of all is there are millions of people out there who hate us even though they don't know anything about us except what you decide to add to sex offender websites. So, I think most of us will be doing time forever considering I have to register for life for the 7 pictures I had many years ago.

All I ask is you think about what you are doing to people. Not all those you are adding all these restrictions to are pedophiles and most of us will never again commit a crime against a child or teen if they ever did the first time. I for example have three young children, three nephews, one niece (another coming soon), and a soon to be wife whom I love to death. I only have been in trouble with the law one time in my life and my family & I will pay for it the rest of my life. I work hard to give my family everything they need & deserve because I love them. We are building a new house next year, Im just terrified that the community may not take well to my offender registration and the kids could be affected at their new schools and neighborhood. I have a great job I only got because my friend/boss knows all about my conviction so he knows he can trust me. I am in no way attracted to any children, teens, or anyone other than my wife. This is just me but there are many others out there just like me who only want to be known as a person rather than "the sex offender on the corner".

I know there are some sex offenders who are a threat to children and should be watched. I honestly believe the sex offender registration has maybe saved a few children from being victimized. The bad thing about the program is they don't even try to find out which of those "sex offenders" are risks. When

8/16/2007

I was in the sex offender programs there was a man who when asked if he thinks he is capable of molesting a child again, answered "yes", he knows he would. Yet this man is registered for only 4 more years grouped on the SO list with hundreds of others, many who are not any real risk at all. I would never let that man around any of my kids and I only know he is a risk because I was in that group with him, not because he is on the sex offender list. I was in those groups for two years, and all that time there was only about 6 or 7 who people need to look out for the safety of their children.

What would it take to have a nationwide level system to show who are really risks and who are not. Its not at all hard to know who are pedophiles people need to be warned about. I could tell within a few days, especially those who where trying to hide it. I had to take a polygraph every six months to find out if I was telling the truth, so was everyone else there and when someone would fail the test they would brake down and tell the truth about who they really were and so they can know if he really is some kind of risk. Although no one uses that information to classify them for notification to the public. One day the sex offender list will be so big no one will feel safe anymore thinking all those "sex offenders" are going to brake into their houses at night and rape their children!

When reading your ideas for the new federal sex offender laws you are trying to pass I seen the way you added "there will be a floor but no ceiling to laws against sex offenders". What about some kind of limit to what they can do to us? You people are playing with thousands of lives who already paid for their crimes, many 100 times over. Just an example, When I went to pick up my kids from school one day a cop pulled me over for not stopping at a stop sign for 5 seconds. When he ran my drivers license he asked me to step out of the car and asked me lots questions that had nothing to do with what I was pulled over for. Even asked me personal questions, I have never felt so violated in my life. He even checked to see if I was really registered at my home address and when he finally let me go his last words were "I can now pull you over anytime so you better do what you need to do and leave the school district". I was about 15 minutes late picking up my kids and now have other people pick them up for me when I can. I have never hurt a child; I never would and would only go back to prison if someone touched one of my kids! I feel the same about my kids safety as much as anyone else who loves their children but there has to be limits to taking away freedom.

I am 29 years old, I have been a sex offender for a long time and will always be only because the state I was convicted in gives everyone lifetime registration. The state I live in now only has a 10 year registration law; however it doesn't apply to me. I love being a family man, going to church, riding bikes with my family, skate boarding with my boy at the skate park, traveling, and most ever other fun things people like to do. Most of all I love my family and I want the best life for them. Please look at both sides before deciding thousands of people's fate. Thank you for your time!

From: A Sex Offender

Rogers, Laura

From: [REDACTED]
Sent: Thursday, July 19, 2007 4:37 PM
To: GetSMART
Subject: Sex offender laws

To whom it may concern,

I am a sex offender. my crime was 17 years ago when I was 16 years old. i am very remorsefull about what happened. i am 33 years old and i am married and have children of my own. i am just trying to live a normal life to provide for my family. These new laws will make it very hard for me to provide for my family and i may loose everything. i am very hard working and I try to put my past behind me. With you passing this law and making it known via the web of where I work and so forth there will not be a company out there that will give me a job. My family and I have had threats of violence and vandalism to our property and cars and repeated threats against our lives. I have lost several jobs and have had to move numerous times because the public has saw my information on the web. I don't bother anyone and keep to myself. I paid for my crime and did everything I was asked to do. I have been released from probation for 12 years now. Why are Sex offenders the only criminals targeted. Why not DUI,Robbers,Identity thieves and so forth being targeted like Sex offenders are. I feel that a crime is a crime the more of that crime that a person has committed the harsher that sentence is to that individual. please this law would hurt every sex offender who has better their lives.

Get a sneak peek of the all-new AOL.com.

Rosengarten, Clark

From: Rogers, Laura on behalf of GetSMART
Sent: Monday, August 06, 2007 10:51 AM
To: Rosengarten, Clark
Subject: FW: Sex offender laws
Attachments: Fwd: Sex offender laws

From: [REDACTED]
Sent: Tuesday, July 31, 2007 5:36 PM
To: GetSMART
Subject: Sex offender laws

To whom it may concern,

I am a sex offender. my crime was 17 years ago when I was 16 years old. I was 16 and my high school girlfriend was 14 it was consensual sex. It was something that her family felt wasn't appropriate so they pressed charges. I never touched a child. I am 33 years old and I am married and have children of my own. I am just trying to live a normal life to provide for my family. These new laws will make it very hard for me to provide for my family and I may loose everything. I am very hard working and I try to put my past behind me. With you passing this law and making it known via the web of where I work and so forth there will not be a company out there that will give me a job. My family and I have had threats of violence and vandalism to our property and cars and repeated threats against our lives. I have lost several jobs and have had to move numerous times because the public has saw my information on the web. I don't bother anyone and keep to myself. I paid for my crime and did everything I was asked to do. I have been released from probation for 12 years now. Why are Sex offenders the only criminals targeted. Why not DUI, Robbers, Identity thieves and so forth being targeted like Sex offenders are. I feel that a crime is a crime the more of that crime that a person has committed the harsher that sentence is to that individual. Please this law would hurt every sex offender who has better their lives. Not every Sex Offender is a monster like John Couey. Its unfair that todays society views every sex offender as a monster. I believe that people who really do hurt children should very much be punished. When you are thinking about finalizing the AWA act, there should be certain guidelines for certain offenders maybe a tier system. Also how about offenders who really moved on with their lives and are good members of society. How about if you've been clean for say 15-20 years and have never committed another crime you then should be able to be taken off the sex offender registration. Hopefully what I say will make a difference for the sex offenders who have truly moved on and have better their lives. Thanks for taking the time to read my story and views. Thank You!!!

Laura L. Rogers, Director
Office of Sex Offender Monitoring,
Apprehending, Registering, and Tracking
Office of Justice Programs
USDOJ
Washington, D.C. 20530

June 03, 2007

Dear Ms. Rogers;

I am writing in reference to the sex offender registration requirements resulting from enactment of the Sex Offender Registration and Notification Act (SORNA). I obtained your address from the Federal Register, Vol. 72, No. 39. It listed you as a contact person for further information.

In 42 USCS § 16913(a), it states that " A sex offender shall register, and keep the registration current, in each jurisdiction where the offender resides, where the offender is an employee, and where the offender is a student.." What exactly is the meaning of "each jurisdiction"? Does that mean that one must register in each county, city, and federal district in which one resides, is a student, or is employed? For instance, I live in Wood County, Texas. I may work in Smith County in the city of Tyler, and go to school part time in the city of Arlington, which is in Tarrant County. Am I supposed to register in Tyler, Arlington, Wood County, Smith County, and Tarrant County? These locations are all within a radius of 150-200 miles, so such a scenario is entirely possible, and likely in my case. Also, the town where I live has no police department (our population is about 325). Am I supposed to register with the mayor's office or the Wood County Sheriff's Office?

In § 16914(a)(6), it states that each registrant must provide "The license plate number and description of any vehicle owned or operated by the sex offender." Does this include fleet vehicles owned by the company where the registrant is employed? What if the registrant is assigned different vehicles? These issues could easily arise in situations where the registrant is employed as a truck driver or delivery man, or basically any situation where a company vehicle is issued for performance of one's duties.

What are the responsibilities of the local jurisdictions relating to registration due dates or expiration of registration requirements? Will the registrant be notified when his annual registration date is near or when he is no longer required to register? Is it a defense from prosecution if the registrant has made due diligence to comply with all registration requirements yet fails in some small way to meet all of the requirements? The requirements under SORNA are quite extensive, and it is always possible that at least one provision could be overlooked or not fully complied with due to extenuating circumstances or failure to understand the law.

In § 16918(f), it states that any sex offender website " shall include a warning that information on the site should not be used to unlawfully injure, harass, or commit a crime against any individual named in the registry or residing or working at any reported address. The warning shall note that any such action could result in civil or criminal penalties." There is nothing in SORNA which provides for any of those "civil or criminal penalties". Is that something which is to be determined by local jurisdictions? To whom must one file a complaint if any such injury, harassment, or crime occurs? Does it include the registrant's family members as well as the registrant? My family has already been harassed and I am not even registered as yet. My children have been teased by school mates who tell them that their father is a "child molester" and a "weirdo", and my wife was accused by an individual to CPS of endangering my son's school friends because she has had them over at our house and taken them places with my kids (I am currently incarcerated at a facility over 1200 miles away.) Do those things qualify as "harassment"? I can only imagine what life will be like for them when I am registered.

I appreciate your time in considering my questions. I want to make sure I fully understand all of the requirements of SORNA before I am released. After all, most of the people who will register anyway are those who will most likely not reoffend.

Thank you,



PUBLIC COMMENT

To Whom it Concerns:

I am a registered sex offender in California. The new Adam Walsh Act greatly affects my life and the lives of my family members. I committed a shameful crime over 20 years ago. Since then, I have served my punishment, received treatment, and even had the charges against me "dismissed" by a California Court. I am a productive, law-abiding citizen. I am not a threat to anyone.

The Adam Walsh Act is very confusing, disturbing, and (I believe) counter-productive. Several aspects require clarification. Here are some:

- Registration Exceptions
You should list valid exceptions from registration compliance, including, for example hospitalization, disability, old age, etc. There is no way a registrant can know, in advance, if his excuse will be deemed valid. If it isn't deemed valid, he may be sentenced to ten years in jail. It would seem that it is your duty to define the acceptable excuses, so we can comply with confidence.
- Definition of Residence
Your guidelines require information about any place where a registrant stays for 7 or more days, but the guidelines define as a residence a place that a registrant stays 30 or more days. These are in conflict. Does either require in-person reporting? How do you report that you are staying in a hotel in Chicago for 10 days and to whom?
- Business Travel
I work for a corporation that has me visiting vendors, sales offices, and customer at various places across the nation and sometime internationally. These trips are, at best, semi-planned. How do I comply with reporting my employment? Surely you do not require potential customers to be listed as a place of employment, do you? Would a diary suffice? Is registering my home office sufficient?
- Certification of Understanding
Your guidelines require registrants to sign a form stating they understand the registration requirements. How can you require understanding? I could not sign that form in good faith because the rules are incomprehensible to me. For example, your retroactive classes, and the three examples, are totally not understandable to me. But if I don't certify that I understand these rules, I am subject to ten years in prison for not complying with the registration process. This seems wrong. Don't you want to know that we don't understand?
- New Employment
You require a registrant to register within 3 business days of employment, but a new employee can't get off work to do so. How about a requirement that the government provide online registration for those that can't get off work to

register. In California, registration is only open from 9 to 4 -- with one hour closed (usually more) for lunch. I once waited four hours to register before they announced that we had to come back in the morning. One individual was at the end of his five day registration period, so, through no fault of his, he committed a registration crime.

- Vehicle Registration

Your guidelines require that registrants notify authorities of any change in vehicle "immediately." I would think you should give some defined time limit, like 5 days. I'm sure no one can report immediately, especially if it requires in-person reporting. Immediate is not a good legal term.

- International Travel

The international travel clauses are not understandable. If I travel to Europe or Asia for a short period, what do I have to do? If I move to Europe, it seems that I would de-register upon leaving and re-register when I moved back to the U.S. I have no idea what the requirements are for foreign travel if I am continuing to live in my current residence in the U.S. What if I travel to Mexico for a day? Or for six days? Or for two weeks?

Sorry to be so picky, but I fully intend to comply with any and all laws, I just wish they were simple and not subject to after the fact interpretation. The clearer you are the more compliance you'll get.

Sincerely,
Name Withheld

Dear Department of Justice,

As a Registered Sex Offender, the new Adam Walsh Law greatly affects my life and lives of others in my situation. For the record, I plead nolo contendere to kissing a 13 year old over twenty years ago, the biggest mistake of my life. Since then I have lived as a productive law abiding citizen. There is a zero chance that I would reoffend.

Some aspects of the new law that you may want to clarify are:

1. **Visiting family.** As best I can interpret the law, if you go to your direct relative's (parents, brother, sister, son, daughter) home every Christmas and stay for more than eight days, you would have to un-register at your residence and re-register at your relative's home. This will stop me from joining my family for holidays at my daughter home. I would never want to register at her home and shame her in her community. I would suggest a 30-day stay without registration for direct relative visits so that the support structure and family ties can be maintained.
2. **Traveling Occupation.** My occupation requires me to travel for two to four weeks at a time. I'm sure I am not in a unique situation. I would think that if travel was a part of your occupation, especially if you go to one city for a few days, followed by another city for a few days, in total adding up to more than seven days, that you wouldn't have to de-register and re-register at each location. I'm sure the hotel I stay in wouldn't like to be on the sex offender registry either. I would suggest you exempt hotels and normal business travel if the stays or trips are under 30 days. You may not realize it but registration takes over four hours in California. To de-register and re-register in each city would be very difficult. Another alternative is to allow internet based registration, then you could both keep track of offenders without either the cost or inconvenience. You would get a higher compliance.
3. **Tier definition.** It appears since my offense involved a person under 14, but above 13, I automatically go into Tier III, the worst of all offenders. I would think you would want to limit Tier III to those offenses that included "substantial sexual conduct".
4. **Clarity.** On the surface, it appears that this law is very complicated and almost impossible to both carry on a normal life and comply with it. It can substantially isolate offenders from their families and occupations. There are a lot of ill defined requirements. For example, if I de-register and re-register for an eight-day trip, does this restart the clock on the quarterly registration requirement? Or do I have to do both? One could conceive of registering a return from travel and two days later have to register again to meet the quarterly requirement. It is almost as if someone was trying to put all sex offenders back in to prison by coming up with an impossible-to-comply with law. The penalties for not complying with these registration requirements exceed the penalties that I was subject to for my crime. If my lawyer can't tell me how to comply, I don't know how I can actually comply except my making registration my new occupation.

Sincerely,
Name Withheld

Rosengarten, Clark

From: Rogers, Laura on behalf of GetSMART
Thursday, July 26, 2007 3:45 PM
Rosengarten, Clark
Subject: FW: Sex Offender Registration and Notification Act

-----Original Message-----

From: [REDACTED]
Sent: Wednesday, July 25, 2007 2:45 PM
To: GetSMART
Subject: Sex Offender Registration and Notification Act

In regards to,
Reference: DEPARTMENT OF JUSTICE
[Docket No. OAG 121; A.G. Order No. 2880-2007] RIN 1105-AB28

I am more than sure you are receiving a large amount of emails, phone calls and letters concerning how wrong this law is. While I agree that this is a very wrong direction to go in I also want to add this.

I am a registered sex offender. A crime that happened almost 13 years ago. I did my time and have lived crime free ever since. I am also a voter, a loyal voter who believes it is every Americans right and obligation to vote, not to do so is very Anti-American.

I have many friends and family who are tired of these laws. They see the impact on generalizing all sex crimes and sex offenders as the same, which is very inaccurate. My family and friends vote as well and their votes, as well as mine, will be influenced by illogical actions of law makers and the laws they pass, this law being one of them. My step-daughter is also going to be voting in a few months when she turns 18. My step-son a year later. They are both very angry at whats going on and I have taught them to take that anger to the polls and vote for the right people, the ones THEY feel are the best for this country and real Americans.) These laws are not making things any more safer. They are having the opposite affect.

Now I am sure you have received a lot of information on how to better improve things. I know the Department of Justice itself has facts that point to the truth of what is going on, rather than political lies and exaggerations. I am sure that you have received much information from professionals stating whats is wrong with all of this and what they recommend. But I am not writing about that, what I am writing about is this.

Including myself, I know my voting friends and family will voice their outrage at this insanity and vote accordingly. To continue with this insanity in the extreme nature is Anti-American. But it has been shown time and time again that some politicians do not care about what the American people think or say, especially when those politicians think they have it all figured out and know everything (even when professionals trained in various areas say they are wrong.) They also don't seem to care what is right, wrong or in the best interest of the American people, only what is best for their own personal interest or their parties interest.

In the future 20/20 hindsight will show them their mistakes when they are voted out of office and their party loses influence and members. That is the power of voting. In some cases some law makers may be held accountable by the American People in a court of law for their actions.

m an American Voter,
[REDACTED]

Rosengarten, Clark

From: Rogers, Laura on behalf of GetSMART
Sent: Tuesday, July 31, 2007 5:11 PM
To: Rosengarten, Clark
Subject: FW: OAG Docket No121

From: [REDACTED]
Sent: Tuesday, July 31, 2007 4:19 PM
To: GetSMART
Subject: OAG Docket No121

RE: SORNA

To whom it may concern,

I am a citizen who is required to register as a sex offender. Eight years ago I did something stupid with a person under age eighteen. I paid dearly for my crime of prostitution. I want now to simply put the past behind me and move on.

I have read the SORNA in detail and conclude that the government will be punishing me again despite my doing everything that was asked of me. SORNA is bad law - simple as that. Here are the reasons that SORNA makes bad law:

1. It will tear apart families of Registered Sex Offenders (RSO) where that RSO has been living a lawful and productive life since paying his debt to society.
2. SORNA violates the US Constitution by ignoring ex-post facto, double jeopardy, due process and equal protection under the law.
3. SORNA treats all Registered Sex Offenders the same without any consideration given to those who have long since straightened their lives out and have become productive members of society.
4. SORNA is based on emotion and hysteria based legislation and has no place in our American democracy since it undermines the US Constitution by establishing punishment before any crime may be committed.
5. SORNA assumes that Registered Sex Offenders are "incurable" and these laws are needed to protect the public. This is non-sense because those who say "incurable" are using a very old road map that is badly out of date given the wide net of crimes that will qualify for the sex offender registry. How do you make sense out of a former sex offender now age 40 who 20 years ago had sexual relations with a sixteen year old girl friend. How much sense does it make to say this RSO is "incurable". Incurable of WHAT??? The notion of "incurable sex offenders" is obsolete except for the less than 2 percent on the registry that do need watching.

I am now threatened with more sanctions against my freedom and liberties. Who speaks for my family? Who is responsible for my children when I cannot bring home the needed income or live in a home of our choosing because of the discrimination against anyone with a sex offense in the workplace or living in the community?

I still thought we lived in a country that respected the US Constitution, fairness and balance. I guess that I was wrong.

Best regards,

[REDACTED]

8/6/2007

Rogers, Laura

From: [REDACTED]
Sent: Monday, June 25, 2007 12:04 AM
To: GetSMART
Subject: Sex Offender Laws

I have spent much of a year grabbing articles off the Internet and posting them on my [wiki](#) and [blog](#) sites, along with my comments. But now, I am going to write my own article here, to hopefully wake some people up and see what is going on in America by ostracizing millions of people and making it impossible for sex offenders to even breath without violating some law. Just [click here](#) to see the bills for a specific state. How can anyone pass so many laws for one class of person? This is insane!

First, let me get this out. I am totally against ANY physical or verbal abuse to any human being. And I believe anyone who murders another human being should be in prison for the rest of their life (until they die). I do not believe in the death penalty for anyone. Also, I believe that once a person has been in and out of prison and has served their probation and parole, done everything required of them, and what was signed on the "contract" when they took the plea, none of this should be required of them, none of it. The state cannot tear up a contract like this, which they are basically doing, it's unconstitutional. Many people, if they had known they would be faced with all this, they would have NOT taken a plea deal. And the courts are very aware of this, and is why they made it retroactive; thus violating ex-post facto laws! They should be allowed to get on with their life as if nothing happened. I'm not saying for it to be removed from their record, but, the crime should be removed from public view and background checks, they should not have any more restrictions, shaming, etc. If they commit another crime, then they face a lot more punishment. Like everything else, except sex offender laws work.

QUOTES:

- Benjamin Franklin

- They who can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety.
- Even peace may be purchased at too high a price.
- The man who trades freedom for security does not deserve nor will he ever receive either.
- The strictest law sometimes becomes the severest injustice.
- Whatever is begun in anger ends in shame.
- Half a truth is often a great lie.

- Thomas Jefferson

- Our principles are founded on the immovable basis of equal right and reason.
- An equal application of law to every condition of man is fundamental.
- The most sacred of the duties of a government is to do equal and impartial justice to all its citizens.
- The best principles of our republic is secure to all its citizens a perfect equality of rights.
- What is true of every member of the society, individually, is true of them all collectively; since the rights of the whole can be no more than the sum of the rights of the individuals.
- I would rather be exposed to the inconveniences attending too much liberty than to those

attending too small a degree of it.

- o Laws abridging the natural right of the citizen should be restrained by rigorous constructions within their narrowest limits.

- Adolph Hitler (Mein Kampf) (Click here to see what else he did!)

- o The state must declare the child to be the most precious treasure of the people. As long as the government is perceived as working for the benefit of the children, the people will happily endure almost any curtailment of liberty and almost any deprivation.

With that being said, now I want to show various aspects of the sex offender laws and briefly explain how I feel about each.

Online Registry

Originally the registry was only used by law enforcement and was not made available to the public on the Internet. It was still available to the public, but they had to go down to the court house to look up offenders by name. Now, due to a few high profile cases (Adam Walsh, Megan Kanka, Jessica Lunsford), the registry has been placed online for the general public to have easy access to.

The intent was so that the public could easily go to a web site, enter a persons name or address and pull up a list of sex offenders who live near by, so the public was aware and able to take the necessary steps to protect themselves. But, this has only added to the “fear factor” and has made many people scared to death of each other.

Yet, it has been proven, that people cannot handle the registry. People look up someone on the registry, and when they see the sex offenders who live near them, they start some vigilante scheme to get the neighborhood up in a panic to force the person from the place they are living, or, they throw bricks through the offenders window, damage their vehicles, burn down their homes or break into the persons home and kill them. Below are a few examples. You will notice that many were simply put on probation or sentence to 9 months in jail or something like 10 years in prison for MURDER. Murderers should be in prison for the rest of their lives, period.

So far, vigilantism is not rampant, but it is on the rise, and I fear that the more laws that are passed, the more vigilantism will occur. Just check out the following links.

- Example 1
- Example 2
- Example 3
- Example 4
- Example 5
- Example 6
- Example 7
- Example 8
- Tons of deaths, murders, suicides
- Mark Lunsford even making death threats to sex offenders
- A Voice of Reason: On Murders
- A Voice of Reason: On Vigilantism

The registry is just another Scarlet Letter (i.e. public shaming) and does not protect anyone. It only shames the offender, their husband or wife, and also their children. The husband or wife is humiliated in public by neighbors, harassed at work and some have lost their jobs because someone in their family is a sex offender. Their children are picked on at school by bullies, and are often humiliated to the point that the parents are forced to withdraw them from school due to the harassment.

In Nathaniel Hawthorne's "The Scarlet Letter," Hester Prynne is forced to wear a red letter 'A' on her chest after she commits adultery. Throughout the novel, she is scorned, humiliated and never given a chance to prove she has changed for the better.

Now, I'm sure this may be hard for you to understand unless you were labeled as a sex offender, but how would you like to live in fear for yours and your families lives daily from the hysteria these laws have caused? All for the sake of a couple high profile cases! The offender, their significant other and any children they may have are harassed and humiliated as well.

If we MUST have the registries, they need to be for predators only and everyone else removed from them to protect their privacy (See Registry section below). If we do not do this, it's discrimination. To prevent discrimination, I recommend we have a CRIMINAL REGISTRY, so everyone can see all the criminals who live among them, besides, it's the American peoples' right to know if a murderer, gang member, drug dealer/user, thief, DUI offender live in their neighborhood, right? If it protects one child, it's worth it, right? They do not want to do this, because then we'd know all the peoples' backgrounds of those who are running for office, if they are a drunk, thief, adulterer and we'd all live in fear for the rest of our lived, but it's only fair, right?

Instead of creating one registry to save millions of dollars, they create many registries which waste millions of dollars. They have a National Sex Offender Registry, and also each state has a sex offender registry, and in some cases, each county has their own registry. Why do we need so many registries? We could take a billion or so dollars off the American budget and put it to good use with therapy for offenders and other ways to prevent crime. But, the government is not worried about your children, they are more interested in oil in Iraq and starving people in other parts of the country. Why not help this country first?

So the American tax payers are paying for all of this, thus wasting millions and millions of dollars, when none of the laws will work in the first place.

If the zones must be enforced, and since about 100% of the sex offenders are not land surveyors, the state should make it clear where sex offenders can and cannot live. And if someone near by decides they don't like a sex offender living near them, it's too bad, the sex offender has just as much right as the average citizen to live there, if it's within the law. So if you do not like it, move! The sex offender has very little places they can live that are within the law, they have to live somewhere.

In Georgia for example, there is over 13,000 sex offenders and 30 are predators. So why are they passing laws punishing all 13,000 offenders when they should be monitoring 30 people? This is a major waste of money and time. All sex offenders are lumped into one group (high risk) and are all treated as if they are like John Couey. Even kids under 13 and as young as 4 are being convicted of sex crimes!!! More of this further below.

Residency Restrictions (Buffer Zones)

These so called "buffer zones" vary from state to state. They are buffer zones around places where children congregate, like bus stops (which are constantly changing), schools, libraries, parks, burger joints with play grounds, malls, movie theaters, amusement parks, then list is endless. They range from 300 feet to 2,500 feet from the above mentioned, and are measured as the crow flies, which is a straight line, from property line to property line.

The intent is good, but it will not work. This is just a "false sense" of security and does nothing to prevent another crime. The buffer zone could be 50 or 100 miles, but if an offender really was determined to commit another crime, they would either walk or drive somewhere. Also, with the offenders who must wear GPS tracking devices, where are you going to be able to walk or drive without being in violation of one of these zones? Plus GPS won't stop another crime from being committed, if the person is determined to commit another crime. Another "false sense" of security.

Why don't you just make exclusion zones on where sex offenders cannot go? That makes more sense, but, it will not prevent a person from committing another crime either, if they are intent of committing another crime. Some states are making buffer zones so large, that there is not a single place in the whole state a sex offender can live, which is basically their intent anyway, banishment! So the state is basically saying, "I don't want to deal with you, so we'll push you out of the state, and let another state deal with it!" What would happen if all states did this? Then they'd be pushed out of the country. If this is the intent, why not just pay the sex offenders some money and I'm sure about 100% of them would be very glad to leave this country, due to what it is becoming.

It's just another "feel good" law to make you "feel safe" when in fact it does nothing to keep you safe.

Now, consider this. If the buffer zone in your area is 1,000 feet, does it make you safe now if they are 1,001 feet away from you? Think about it!

Therapy

Almost every single prison in this country, when sex offenders are locked up, whether it is in jail or prison, they do not get therapy. None whatsoever! Why? Therapy has been proven to help a majority of sex offenders, but not all. A lot of people are in denial and do not think they need help. We need to spend more money on therapy and ways to prevent these crimes, not "feel good" laws which do nothing in the long run. You do not have to take my word for it, just call up some therapists who deal with sex offenders and I'm sure they'll tell you the same thing.

But, instead, society has become one that doesn't want to deal with issues, they want the government to tell them what to do and they just want to lock all criminals up and forget about them. And I am talking about all criminals here, not just sex offenders. If this is true, then why don't we shred the Bill of Rights and Constitution and become a communist country now, since that is apparently what the general public wants?

This may sound harsh to some, but you could kill every single person in prison at this moment and you'd still have murderers, sex offenders, gang members, drug dealers/users,

DUI offenders, thief's, etc.

It should be made mandatory that ALL criminals (who need it) get some form of therapy in prison and jail, and if they deny it, then they will stay in prison or jail. Eventually they will agree to get help. A majority of the people in prison are homeless or have some other illness. Drugs and therapy would help them, yet we just want to lock them up and forget about them, like the lepers were treated back in Jesus' time, exiled and forgotten about. There is some people in prison right this moment, who were arrested a year or more ago for some small crime like theft and haven't even seen a judge or anyone yet, a lot of illegal immigrants are treated like this.

Then you can give them the help they need after the first crime they've committed, by giving them the tools to change their ways and thought patterns. Yes, there is not a "cure", I'll admit that, but like alcoholics, drug users and other diseases, they can be helped. Before each person is released back into the public, they should be reviewed by a fair jury of professionals to determine if they are a risk to society still, and if so, they should be put back before the court to decide on the next steps to be taken against the offender, you cannot just throw them back into prison without due process of law. Then they stay in prison or jail until they are no longer a threat. This would reduce recidivism rates drastically. And once they are deemed not a threat, they should be allowed to live anywhere they want like any other normal citizen, and not be again punished for life with residency restrictions and be on a registry. That is totally unfair.

Right now, the review board that is suppose to review prisoners coming out of prison to determine if they are a risk and should be civilly committed, they are not doing this (not in all states that is), and this seems backwards to me. You should review the person before they are convicted to help determine the punishment for the crime, and once again before being released from prison. The review is done by a civil jury, which is unfair. With the current fear and hysteria, nobody is going to want to let a sex offender out of prison or jail at all, because they think all sex offenders are a threat, which is false! So basically the civil commitment is prison all over again without due process of law. That is why it needs to be a jury of professionals and also a couple human rights personnel.

Shaming

By having the registry, neon green license plates, wearing of an "I am a sex offender" t-shirt, signs posted in the yard or neighborhood, or being placed into the paper, this is all shaming. And by doing so, it puts major stress on the offender, their family and children due to the harassment they receive from many people.

A lot of people think shaming is a good idea and protects them, but it does not. Think back in your life, were you ever harassed or shamed? How did you like it? Didn't feel good did it?

By shaming people in this manner, it makes it impossible for them to keep a job, find a new job, find housing, etc. A lot of times it forces the husband or wife to leave them due to the stress of the situation, thus increasing the offenders stress levels. And by doing this, without any support from the public or family, the likelihood of someone re-offending increases drastically. Now how is that protecting anyone? Now the child is missing a mother or father whom they need.

It may seem like a good idea, but it's another "feel good" issue which does nothing to protect the public and in the long run, puts them more at risk. And in a way, is another way of entertainment. Like the shaming of people on TV which everyone loves. You may be next!

How would a sign in the persons' front yard protect anyone? Yeah, you know who they are, but, it only opens that person up to constant harassment from "friends", neighbors and anyone else who may be passing by. If a person who had a sign in their yard really wanted to commit another crime, this will not stop them.

The same goes for the neon green license plates and GPS. It's just more public humiliation. Many families can only afford one car, so what if the husband, wife or children were driving the car and some vigilante seen the green neon plate and harassed them, ran them off the road, or worse? Then what?

If a person, who had the plate, really wanted to commit another crime, all they would have to do is walk, ride a bicycle or borrow another car. Even if they drove the car with the plate, do you think if they pulled up next to a child, that child would walk behind the car to see if the plate was neon green? Does this give the kids the impression that if the plate is not neon green, it's ok to ride with that person?

Legislation

Children are good ploys to get votes and that is why you always hear of someone passing a law in a child's name. They know if a child's name is attached to it, nobody will vote against it. They could deny you the right to bear arms by attaching some child's name to it whom was killed by a gun and you would vote for it, besides, if it protects one child, it's worth it, right?

But, while they are protecting one child, they are ruining thousands more. Here is a couple examples, which I'm sure will shock you.

- Young Lives Destroyed
- War on Toddlerism
- 8 Year Old Charged For Sexual Conduct
- Young Boy Faces Rape Allegation
- Evil In The USA
- Sexually Aggressive Children
- Underage Sex Authorities Grapple With

Also, why do you think you always see people running for some office, have their children on the commercial or stage with them? It's so you will see the children and think they are great, are doing it for the children, so you will vote for them and makes their wallets fatter. Follow the money trail.

Can't you see this? Eventually they will attach some kid's name to a bill which violates one of your rights. Then I'll bet you see my point of view.

In my opinion it should be illegal to attach some child's name to a bill.

It's a game to the state politicians. Each one says they have the strictest laws in the country, and it's like a race to see who can punish sex offenders the most. Again, they do this for votes and to "look good" in your eyes, all the while, knowing the laws will not work.

They are always throwing out statistics and are never telling you where they got the information from. Anyone can throw out some number on the news and everyone doesn't even question where the facts came from, so they believe them. If you do your own home work, you will see they are flat out lying. They exaggerate these numbers for ratings and to keep you glued to the screen, and to instill fear and hysteria for their own agenda and ratings. It's like sex, it sells.

Just recently I heard a video online with Mark Lunsford. He said "repeat offenders always repeat". Duh, that is why they are called repeat offenders, but he didn't tell you that not all sex offenders reoffend. Just look at the [Bureau of Justice Statistics](#) (also below), it's there in plain English. Again, he doesn't want you to know the truth, so he can get your sympathy and bring more money to his business, even though it's a "non-profit". He also didn't tell you, nor did the media, that child porn was found on his machine ([Click here](#)). So why was he never investigated? Where did the child porn vanish to? Also John Couey mentioned that she did not appear to be a virgin ([Click here](#)). I'm not sure if that is true or not, but did they investigate it? Probably not. I personally feel like he's using his daughters death to benefit himself to make him rich and famous like John Walsh. He's even wanting to run for office. Give me a break! Also, on this same video, he said "never in the history of man kind has anyone ever been cured." No where did he get that from? Nobody is cured, it's like alcoholism or drug issues, but, if a person is given therapy one the first offense, I can almost guarantee you the rate of sexual abuse will go down drastically. But he doesn't want that because then he'd not have a business now would he and a lot more would be shut down as well. Same with John Walsh, he's been blaming a sex offender for his sons death, and it has never been proven that it was a sex offender.

If they were truly there to provide realistic news instead of some entertainment, then they'd show you where the statistics come from, like reporters did in the past. But the media is about entertainment now and money, not about true news. They also find people who will support what they want you to believe instead of getting several professionals with various views so you can decide for yourself. They should also have sex offenders on so that the other point of view can be shown as well. Many sex offenders have sent email after email to these people, and they simple delete it and never let you hear what other people are saying.

Many sex offenders will admit what they did was wrong, and provide you with what they think would work to help decrease the recidivism rates, but that doesn't bring good ratings, so it is squashed. People love to see sex, people being busted by the "COPS", humiliated on TV, horror and death, etc, just open your eyes. What are you watching on TV?

All I ask is do NOT believe everything you are hearing from people, get on [Google](#) and look for yourself! You will see what I am saying is true.

Housing

People are being evicted from their homes which they have bought and paid for and lived in for many years, most since childhood. And when they are evicted, it is nearly impossible to find another place which is within the law. Almost 99% of hotels, motels and lodges have swimming pools, which a sex offender can not be around, so those are off limits. Some

states say you cannot be XX feet from a bus stop. Bus stops are constantly changing; therefore sex offenders will constantly have to move over and over and over again. With the buffer zones being enforced, almost 80% or more of the county or state is off limits. They have to live somewhere. Just look at Florida, they are forcing many offenders to live under a bridge. This is just so wrong.

Also, now, when someone goes to get another place to stay, that person who owns the house or runs the hotel or motel, look the person up on the sex offender registry, and the person is then denied. This is discrimination. You cannot deny someone from living somewhere because of their race, sex, religion or criminal history. Yeah, I know, sex offenders do not fit this agenda, but it's still illegal. But it's being done on a daily basis.

If you don't want them "in your backyard" then the state should pay for a place for them to stay. Or pay for them a plane ticket and enough money to leave this country. I'm sure every one of them would leave in a heart beat.

Housing prices will also drop due to a sex offender(s) living in the neighborhood and nobody wants to buy a home near a sex offender. People will not be able to sell their homes either and their house value will drop. So, the neighborhood bitches and screams until they person is forced to move, or, if they stay, they are harassed and/or beaten, or killed.

Also, if a sex offender is mentally ill like many people say, where is their disability checks? Do they get tax breaks due to not being able to use the parks, live in hotels, motels, etc? If not, why not?

Employment

Anytime you go to get a new job and fill out an application for employment, there is this little box which asks if you've ever been convicted of a felony. Most sex offenders leave that empty, because they know if you say yes, you will be denied a job.

So the above makes it almost impossible to find any job. And if they do find a job, then it's some job which barely pays enough to even live by.

For people who are currently employed, many employers now, due to the hysteria, are doing background checks. Once the background check is done, and they know you are a sex offender, you will almost 100% of the time loose your job, unless you have a boss who is willing to work with you, which is rare. I know of one person who was a programmer for 11 years and their boss knew everything about them, but when the company was bought out, the new owner did background checks, and this person lost a highly paid job, which had nothing to do with children at all. This is total discrimination.

Myths, Facts & Statistics

The links below are to various sites which explain to you the facts about sex offenders. I do not personally agree with 100% of these, but they are provided for your education.

Since the media and politicians do not use the facts and distort the truth, how can they really expect the public to act rationally when they are given lies? Oh I forgot, they do that because fear and hysteria bring more ratings and more money. So hopefully these links will

open your eyes.

- ABC News: Five Myths About Sex Offender Registries
- Bureau of Justice Statistics
- CSOM Publications - Myths and Facts About Sex Offenders
- Facts About Adult Sex Offenders
- Factoids and the Sex Abuse Panic
- Office of the Attorney General - Megan's Law - Facts about Sex Offenders
- SEX CRIMES - FEARS & FACTS!
- Sex Offender Management in the Federal Probation and Pretrial Services System
- Sex Offenders Myths And Facts
- Reality vs Myth
- Twenty Findings of Research on Residential Restrictions for Sex Offenders
- Sex offenders: Throwing away the key
- Sexual Violence: Fact Sheet
- Sex Offender Resources

And here is a quick extract from the Department of Justice web site.

NOTE: Keep in mind, these are **overall crime statistics**, not just related to sex offenders.

- Child Victimization
 - Approximately 4,300 child molesters were released from prisons in 15 States in 1994. An estimated 3.3% of these 4,300 were rearrested for another sex crime against a child within 3 years of release from prison.
 - Among child molesters released from prison in 1994, 60% had been in prison for molesting a child 13 years old or younger.
 - Offenders who had victimized a child were on average 5 years older than the violent offenders who had committed their crimes against adults. Nearly 25% of child victimizers were age 40 or older, but about 10% of the inmates with adult victims fell in that age range.
- Recidivism
 - Of the 272,111 persons released from prisons in 15 States in 1994, an estimated 67.5% were rearrested for a felony or serious misdemeanor within 3 years, 46.9% were re-convicted, and 25.4% re-sentenced to prison for a new crime.
 - The 272,111 offenders discharged in 1994 accounted for nearly 4,877,000 arrest charges over their recorded careers.
 - Within 3 years of release, 2.5% of released rapists were rearrested for another rape, and 1.2% of those who had served time for homicide were arrested for a new homicide.
 - **Sex offenders were less likely than non-sex offenders to be rearrested for any offense — 43 percent of sex offenders versus 68 percent of non-sex offenders.**
 - Sex offenders were about four times more likely than non-sex offenders to be arrested for another sex crime after their discharge from prison — 5.3 percent of sex offenders versus 1.3 percent of non-sex offenders.
- Sex Offenders

- On a given day in 1994 there were approximately 234,000 offenders convicted of rape or sexual assault under the care, custody, or control of corrections agencies; nearly 60% of these sex offenders are under conditional supervision in the community.
- The median age of the victims of imprisoned sexual assaulters was less than 13 years old; the median age of rape victims was about 22 years.
- An estimated 24% of those serving time for rape and 19% of those serving time for sexual assault had been on probation or parole at the time of the offense for which they were in State prison in 1991.
- Of the 9,691 male sex offenders released from prisons in 15 States in 1994, 5.3% were rearrested for a new sex crime within 3 years of release.
- Of released sex offenders who **allegedly** committed another sex crime, 40% perpetrated the new offense within a year or less from their prison discharge.

Media

The media, as well as uneducated politicians are to blame for the "sex hysteria" which has whipped the public into a panic. Now, anytime a man is seen with young children, even if they do not have anything bad in mind, people freak out and call the cops, thus wasting law enforcements time on checking into stuff and making sure someone is or isn't a sex offender.

They constantly demonize sex offenders so it's easier to hate them and get laws passed, or for vigilante justice.

The media is constantly throwing out statistics without providing sources to those statistics. Anybody can throw out some numbers to scare people and bring them more ratings and money. You can look at the Bureau of Justice web site (or above) to see statistics from a 1994 study, or other sites with facts about sex offenders (some above), and you will see what they are saying is incorrect. It brings more viewers and more ratings, thus more money. The intent is good, but when you do not have the true statistics, you make things look worse than they really are. Children are abducted by strangers, but the overall "stranger danger" is a myth. Most sexual related crimes that involve children occur by someone the child knows, like a family member or close friend. Just look.

The media is always using the words sex offender, predator, child molester and pedophile as if they all mean the same thing. The label "sex offender" covers many different kinds of people, like people urinating behind a building, due to a bathroom not being nearby, or the restroom is occupied. People who also streak in public, like football or tennis matches are now being labeled a sex offender. Also mooning will get you labeled a sex offender. Young children, playing doctor, like a 8 year old and a 10 year old, are being labeled a sex offender, or, a 15 year old and a 18 year old who are both willing partners in sex, when later someone finds out and the parents call the police, now the kids life is ruined and he'll be a sex offender for life. And lately prostitu

Here are a couple examples:

- Example 1
- Example 2

- [Example 3](#)
- [Example 4](#)
- [Example 5](#)
- [Example 6](#)
- [Example 7](#)

Other Comments

- When will people ever realize no matter how tough on crime, all the zero tolerance, all the registries in the world will not prevent a murderer from murdering, a thief from stealing, a dealer from dealing, a user from using, a rapist from raping? Accusations on any sex crime, child abuse, or domestic violence will literally nail your butt to the wall! No DNA has to be present, no violence has to be present, HEARSAY ALONE IS LITERALLY NAILING THOUSANDS AND THOUSANDS OF PEOPLE TO THE WALL BECAUSE OF THE BIASNESS IN THE LAWS.
- We need to **not group all sex offenders into one group** as if they are all like John Couey. They are not all the same and sex crimes cover a wide range of offenses.

Videos

- [Click here to view the videos.](#)

Possible Solutions

1. Buy every sex offender in this country a passport and a one way ticket out of the country so you can push the problem off to someone else who has more of a brain. Then you'd be rid of the problem. I'm sure 100% of the offenders would leave Communist USSA in the blink of an eye. No more problem!
2. If we must keep the online registry, then only those who are deemed high-risk should be on the registry, all others should be removed from the online portion of the registry. I'd rather see the registry be removed off line completely, but I know that will not occur. The reason is due to harassment the high-risk offenders will be enduring. Let the police monitor it, like it was before. Every 5 or 10 years, the high-risk offenders should be allowed to be re-evaluated to determine if they are still a high-risk, and if not, then they should be allowed to go before the court and petition the court to be taken off the registry. Low and medium risk offenders, who are off the online registry, but on the registry monitored by law enforcement, should be allowed every year or two to petition the court to be re-evaluated and re-categorized or removed from the registry and restrictions all together, but nobody, even violent predators should be punished for life.

I also think, if we must have a registry, we really just need a general registry for all violent crimes, like murder, DUI, drugs, high-risk sex offenders. I think the public has a right to know about these folks as well as sex offenders.

But again, I think if society knew about all these people, everyone would live in a constant state of fear, which is not good.

3. Instead of making buffer zones, designate places sex offenders cannot go to. This way, at least they can walk or drive without violating some law. The buffer zones do not work, and make it impossible to find a place to live that is within the law. You

can also make it so they cannot loiter, or cruise around these places. But simply driving by is fine. The buffer zones also force many into homelessness or to go underground, or unable to live with family where support is, and endangers society. You cannot just say "any place kids congregate", this is far and wide, and you need to designate places offenders cannot go, do not leave it up to them to guess if something is legal or not. The law should tell you where you cannot go so there is no question about it.

4. Therapy should be mandatory in prison and jail for ALL criminals deemed to need it. If they do not get the treatment, then they will remain in prison or jail. Before they get out of prison or jail, they need to be fairly evaluated by a professional staff of a couple therapists, DOJ staff and a human rights worker. And if they are deemed a high-risk still, then they should be allowed to go before the court again and get another trial to determine what the new sentence is to be. If they are not a high-risk, then they should be let free to be able to live their life as any other citizen and without the constant monitoring for life.
5. For people who go to prison for any sexual crime toward a child, they should be segregated from the general population. Otherwise, they will be harassed, beaten and possibly killed, and I'm sure everyone is aware of this. Also young offenders should be separated from older offenders so more victims are not created.
6. GPS should only be placed on high-risk offenders. GPS is very expensive and most offenders are poor and cannot afford to pay the extensive fees associated with GPS. This would save a lot of money and time, due to having to only monitor a couple offenders instead of thousands. Also, if the public wants GPS on offenders, then the public should pay for it. Why should the offender be made to pay to obey the law?

I personally think that if we implemented the above, life would be better on everyone. No matter how many laws you pass, it will NOT prevent future crimes, that is a proven fact.

Final thoughts

All these laws should only apply to **repeat offenders** (people who've committed more than one sexual crime), for those who only made a bad mistake once, they should not be punished by these laws just because of a couple idiots. How would you like to be banished from your town because some Nazi starting causing trouble or you could no longer drink alcohol because so many people are getting DUI's and killing people? Isn't fair is it! That is all I'm asking. Only for repeat offenders, leave the rest of the people alone!!

We must put aside anger, fear and hate and think rationally and logically to come up with solutions that last, not have "knee-jerk" reactions to violent crimes and pass 100 more laws. Please consider what I have mentioned.

Have you read Joe Duncan' blog which he commented on before he killed Dylan Groene and his parents? Check it out here:

- <http://www.cnn.com/2005/US/07/04/duncan.blog/index.html>

We won't tell. Get more on shows you hate to love
(and love to hate): Yahoo! TV's Guilty Pleasures list.

Rogers, Laura

From: [REDACTED]
Sent: Saturday, July 28, 2007 2:43 PM
To: GetSMART
Subject: Public comment on the propped Adam Walsh Act
Attachments: SEX OFFENDER LAWS.doc

The Adam Walsh Act is one of the most ill-conceived acts ever considered. The following article by Amanda Rogers sums up the issues using logic, rather than political motivation or media ratings hype.

SEX OFFENDER LAWS PUMMELED

[View the article here](#)

<http://www.americanchronicle.com/articles/viewArticle.asp?articleID=31444>

07/07/2007

SEX OFFENDER LAWS PUMMELED AS GAP BETWEEN BEING TOUGH ON CRIME AND BEING SMART ON CRIME WIDENS

Washington D.C.: In a desperate attempt to keep the flow of misinformation alive, John Walsh of America's Most Wanted - who has always sought vengeance over prevention (and makes a ton of money doing it) assembled a small group of parents whose children have been murdered, whether by a registered sex offender or not and went to Capitol Hill last week to push for yet even more ineffective and blatantly vindictive laws in the name of a handful of murdered children.

The group called "The Surviving Parents Coalition," enlisted the services of a PR (public relations) firm. This is important to note as, in the words of Eugene Kennedy, quoted from the New York Times: " You call in public relations operatives when the truth won't do."

The coalition's PR company: (R.M.S. PR) sent out a press release that the group would be meeting with a few "fools on the hill" last week in Washington urging them to "declare war on sex offenders." Declare war? There was also to be a press conference. To date, I have seen only one single article covering this event - evidence that Mr. Walsh and his entourage have pushed the envelope too far. Vengeance against 600,000 plus people for the actions of the handful responsible for the despicable crimes which took the lives of these parents' children cannot continue. The silence upon Capitol Hill last week spoke volumes and sends a clear and powerful message: It is no longer enough for the American people for elected

officials to look "tough" on crime. The American people want legislators to be "smart" on crime - to focus on prevention, not retribution.

Across the nation, a growing number of top mental health experts, law enforcement agencies, and victim advocacy groups are becoming fed up with costly, ineffective, and counter-productive sex offender laws, and they are speaking out. The over-inflated balloon of hype and hysteria which has been the platform for creating and passing much of the legislation is deflating as factual data on the issues surrounding sex crimes comes to the forefront.

For example, ALL of these laws focus on former registered sex offenders who statistically are responsible for a miniscule 3% of new sex crimes. That means that 97% of new sex crimes will be committed by someone who is NOT a registered sex offender. To put it in perspective, out of the 400 Dateline "To Catch A Predator" stings only 4 out of the over 400 caught were actually registered sex offenders. So then, WHY are all these laws only targeting those on the registry that pose the lowest risk to society?

The tide is turning and lawmakers who don't want to be left holding the bag for the miserable failures that have been created in the name of protecting the public are taking notice. With the exception of the three "fools on the hill" that are still trying to make a name for themselves via deception and who have obviously not done their homework. Those lawmakers being: Senator Joe Biden-(D) DE, Congresswoman Debbie Wasserman-Schultz -(D) FL , and Congressman Al Green-(D) TX.

Multiple states across the nation are delaying and in some cases even outright refusing to comply with the Federal government's mandate of the Adam Walsh Act passed last year in a closed door session, at the bequest of Rep. James Sensenbrenner.

Community notification laws, residency restrictions, and all the other "one up man-ship" policies that have been set into law to date haven't protected a single child and it has cost the American people dearly. These laws have torn a huge hole in the fabric of our society. ALL of these laws have been based on a handful of tragic and brutal crimes, some involving someone with a previous sex offense and some not. **America's children have a greater chance of being struck by lightning than by having their child abducted.** The crimes are horrific but they are in fact, extremely rare. **The majority of sex crimes are not committed by strangers or even registered sex offenders, yet that is who John Walsh and others constantly focus on when lobbying for laws against everyone and anyone with a past sex charge, whether for Romeo and Juliet relationships or kids caught playing doctor. Everyone has been lumped together and publicly slandered by vote hungry politicians and the ratings hungry media, trying to convince us that everyone on the sex offender registry is a child molesting, incurable pedophile capable of murdering a child at any given moment. Bulls**t.** If all registered sex offenders posed that kind of threat to the public, we'd be neck deep in the bodies of murdered children just by walking out our front door. Think about it.

Lawmakers are (finally) doing their homework. They are finally beginning to pour over the numerous reports which government agencies and mental health experts have compiled and that the taxpayers have paid for regarding recidivism, types of offenders, factual data and the negative consequences of the plethora of ill thought out legislation.

Sex crimes are down? That's no surprise. I wonder how many cases will never see the light of day because family members fear the wrath of these laws and keep sexual abuse "within the family" to themselves instead of reporting it? How is this protecting children or helping to solve the problem?

The ever growing group of organizations and individuals who have read the mountains of data and oppose laws like community notification, residency restrictions, and the Adam Walsh Act include, but are not limited to:

Patty Wetterling

Nancy Sabin

The Jacob Wetterling Foundation

Franklin Zimring, law professor University of California at Berkeley

Scott Poland, past president of the National Association of School Psychologists

Robert Prentky, a psychologist and nationally renowned expert on sex offenders in Bridgewater, Massachusetts

Kansas department of Corrections

Iowa County Attorney's Association

Colorado Department of Public Safety

Iowa Coalition Against Sexual Assault

Minnesota Department of Corrections

NACDL

Montana Treatment Association

California Coalition on Sex Offending

Therapy Key

SATA

ETAY

My5th.org

NAESV

American Bar Association

JJAG

Dr; Jill Levinson PhD

Dr. Fred Berlin

I don't know what's worse, someone who exploits a child sexually or someone who makes a career out of exploiting their own child's tragic death for personal gain at the expense of thousands of others (and their families,) who had nothing to do with the perpetration of these heinous crimes.

Amanda Rogers - 7/03/2007

Rosengarten, Clark

From: Rogers, Laura on behalf of GetSMART
Sent: Monday, July 30, 2007 11:47 AM
To: Rosengarten, Clark
Subject: FW: Docket No. OAG 121

From: Mark Levine [REDACTED]
Sent: Sunday, July 29, 2007 6:02 PM
To: GetSMART
Subject: Docket No. OAG 121

Response to the USAG/SMART Office Proposed Guidelines

I have just read the proposed guidelines. There are so many absurd statements, conclusions and proposals that I don't know where to begin. First of all there's this...

"The availability of such information helps members of the public to take common sense measures for the protection of themselves and their families, such as declining the offer of a convicted child molester to watch their children or head a youth group, or reporting to the authorities approaches to children or other suspicious activities by such a sex offender. Here as well, the effect is salutary in relation to the sex offenders themselves, since knowledge by those around them of their sex offense histories reduces the likelihood that they will be presented with opportunities to reoffend."

The public doesn't need help in making *common sense* decisions, that's because common sense is, by definition, something that people use intuitively! Simply repeating fear promoting statements over and over again does not make them true. We learned that about Iraq. THE FACTS ARE that there are absolutely NO (and I do mean none, zero, nada, zilch) studies that have demonstrated that public notification of sex offenders leads to a reduction in sex offenses. The above assumption is just that, an assumption. If you take the time to read the scientific literature you will find that public notification does not and has not protected one single child from molestation any more than plain old common sense.

These proposals make several other erroneous assumptions. One is that every sex offender is a pedophile. And there is a huge difference between sex offenses involving teenagers and those involving pre-adolescent children. The latter are pedophiles, the former are not. (Look it up in the DSM-IV- TR).

These proposals build erroneous conclusions on top of erroneous conclusions. We already know that public notification does not prevent child abuse. For one thing 90% of sexual abuse are by people well known to the child. Public notification only leads to harassment of the offender and THEIR CHILDREN. Now these guidelines want to make it easy to terrorize vehicles that might be driven by the offenders teenage child or spouse or parent. Not only are these guidelines implying that individuals should be researching government websites every time they meet someone new, but now they are supposed to be memorizing license plates and vehicle descriptions of every one on the list (and review it daily!!!) WHERE IS THE DATA TO SUPPORT THIS GUIDELINE??????????

You are taking a bad law that doesn't work and throwing more junk on top of it.

Under mandatory exclusions I did not see "telephone numbers." Are you serious????? You want to publish telephone numbers so families can be harassed all day at work (cell phone) and home????!!!! Do you want people adjust to society or are you simply trying to isolate individuals and families further, something that ALL experts in the mental health profession know leads to greater recidivism, not less.

And emails.....??? Clearly the people who wrote these guidelines never use the Internet. So you want EVERY email address used? So if an offender creates several hundred or thousand of emails (only takes two minutes for each one), you want to keep track of every one (because local law enforcement agencies have nothing better to do) and have someone appear in person every time they create a new email address? And then you will list all hundred (or thousand) of email addresses? And then you seriously want to give this information to the public so that offenders personal computers (used at home by their children and spouse and parents, etc) and their computers at worked can be targeted for every disabling virus known by man.

Has anyone read the studies or listened to the Congressional testimony from the experts from the University of New Hampshire? **They spell it out clearly that the children who succumb to online advances are the same children who are having problems offline.** In other words, if parents abuse their children, emotionally, physically or sexually they will be at high risk for online seduction. Healthy children from well adjusted families have never been reported to meet a "predator" offline. The other fact the University of NH experts reported was that people talking to teenagers online almost never hide their real age. This is why although there are thousands of online contacts each day, it is extremely rare that a teenager engages with a person offline.

Then there's that last line in the paragraph I quoted above from the proposed guidelines. Public shaming and isolation are the two most effective means of INCREASING recidivism. It's almost as if increased recidivism was the intended consequence of these proposals. The reasons why these laws keep getting updated is because the original law doesn't work. And the original law was based on faulty assumptions so of course adding more junk to the original law will not help. Then a few years from now, people will be trying to come up with more laws, equally absurd as these. **STOP IT NOW!**

Thank you.

Mark Levine

Rogers, Laura

From: Wayne Goodman [REDACTED]
Sent: Wednesday, July 18, 2007 8:08 PM
To: GetSMART
Subject: Docket No. OAG 121

Docket No. OAG 121

To Whom It May Concern:
RE: Comments on SMART

I recently read about the proposed guidelines concerning sex offender registration. I do not support many of the requirements in this legislation because most offenders who have "paid" the price for their crime have re-integrated back into society as productive, law abiding citizens. This proposal contains many requirements whose effect is to "undo" the progress made by those who committed a sex crime in the past, and perpetuate the societal "red scarlet" for life. People in our society commit many crimes for which they are punished. But a sex crime is the only one that carries essentially "lifetime" registration and banishment. This legislation is well-intended but ill-advised. DOJ statistics show sex offenders have a lower recidivism rate than most other offenders. Most offenses are committed by someone already known to the victim. This legislation jumps on the "bandwagon" of public sentiment, but it is not good public policy.

W.S. Goodman
[REDACTED]

Rosengarten, Clark

From: Rogers, Laura on behalf of GetSMART
Sent: Monday, August 06, 2007 10:46 AM
To: Rosengarten, Clark
Subject: FW: Docket No. OAG 121
Importance: High
Attachments: Response to proposed regulation.doc

From: Joel Falco [REDACTED]
Sent: Wednesday, August 01, 2007 12:16 PM
To: GetSMART
Subject: FW: Docket No. OAG 121
Importance: High

-----Text Version Below-----

July 31, 2007

To Whom It May Concern:

There are many items in the referenced proposed regulations to which I expressly object. However, in order to ensure brevity, I will not address them individually, instead I will address the overall intent and direction therein.

People want to live in a safe society. This is a worthy goal and the ultimate expression of the function of government. Laws limiting behavior are therefore necessary. People want to live in a risk-free society. This is the ultimate folly and the source of countless revenue to the pockets of lawyers milking money from all sides, victims and victimizers as well as the general public.

These sex-offender laws restricting the otherwise legal behaviors of individuals who have been previously found guilty of a sex-related offense fall into the latter category. While wrapped in the comfy-cozy language of ensuring the safety of the public, they only result in re-victimizing the offender's family while not increasing public safety one ounce.

Why will safety not be increased? Simple, recidivism statistics gathered by the office of the Illinois Attorney General show that overall recidivism for sex-offenders in Illinois is under 36% and for those that completed an approved sex-offender treatment program, the rate is well under 10%. This is far lower than any other felony conviction.

You may say, yes - but even one more victim is one too many. True, but that victim will (or will not) be there irrespective of this law. Obviously, fear of consequences was insufficient to prevent the first incident resulting in the original conviction. Why should it be sufficient to prevent the second? However, with parents and others feeling safer with this law in place, it ignores completely those individuals in public places who have not yet offended (or at least been caught). With new convictions

8/6/2007

at an all-time high, this is the greater risk - not a repeat offender. This law is a useless panacea to give people an unrealistic illusion of safety while doing nothing to actually provide that safety. The problem is far too widespread in our highly sexualized society.

Certainly there are very high-profile cases of repeat offenders that make national headlines. These are the exceptions, not the norm and they exist within every criminal classification. Why single out these offenders? Why not a national registry of drunk drivers? More people are killed and injured annually by drunk drivers than are assaulted by sex offenders. Why not a drug dealer registry? There are more drug pushers lurking near schools than dirty old men. Psychological counseling may help a victim of abuse, but it takes much more than that to recover from heroin addiction.

Convicted sex-offenders, while detestable to many, have done what all other released offenders have done. They have paid the penalty imposed by society for their crime(s). Post release, they have the same right as every other citizen to gainful employment and to provide for their families. Preventing this ultimate right (and responsibility) re-creates a dangerous environment for the offender causing additional risky behavior and causing greater potential for re-offending than this proposed regulation will prevent. In simpler terms, this very regulation will result in more sex-offense victims - not less.

Where does it all end? All offenders want to be able to put their past behind them and to move forward. Laws such as this make it impractical if not impossible. The rules for those who "toe-the-line" keep getting tighter. There is no let up in sight. Where is there any "reward" for good behavior? Every practitioner of counseling or motivation understands the nature of the "carrot and the stick". Both are needed to modify human behavior. Regulations like this totally eliminate the carrot. I understand John Q. Public not wanting to give any rewards to a sex offender. But why should the sex offender follow the rules if they only get tighter every year. This causes many offenders to slip out of the system altogether. It is obvious that causes a far greater risk. In the recent past, the offender knew if he behaved for ten years, he would be off the registry and "be free". This is no longer true, now it is life for nearly all.

And who pays? As previously mentioned, new convictions are at an all-time high and getting higher. All these people are entering a system they can never leave. Who is monitoring them and at what cost? The men and women in probation and parole offices around the country are doing a very commendable job. But they are overworked, understaffed, and underpaid. These are society's first tier in protection. But laws like this are making their jobs impossible. Too many are totally burnt out, too many are leaving what they know to be an impossible situation. In Illinois it is nearly August and there is still no budget approved. Even if they tripled the budget for sex-offender tracking it would not fill the gap created by this law. More offenders have slipped out of the net than they have the resources to catch.

Who to track? Obviously trying to increase the total pie to restrict all offenders, we need to look at that subset of re-offenders and focus limited resources where the greatest good is achieved. Laws already call for offenders to be counseled and treated before release from the system. Those that comply, have only one offense, and are assessed as a low-risk of re-offense should be monitored for a few years and released from the system (assuming no re-offense). This is the carrot. Laws such as this should then only apply to the remainder. Resources would then be sufficient, a carrot-and-stick approach provided, and true safety increased. This regulation, as written, provides none of this.

Rogers, Laura

From: [REDACTED]
Sent: Thursday, May 24, 2007 6:31 AM
To: GetSMART
Subject: Adam Walsh law

The laws proposed are too long and complicated. It might make more offenders go underground. Keep it simple. Just do a connection with existing laws, so that the information can be shared with all the states. Making it too public endangers the public.

Ron Burns
[REDACTED]

general

Rogers, Laura

From: Connie S. Norris [REDACTED]
Sent: Thursday, July 19, 2007 5:01 PM
To: GetSMART
Subject: SORNA

Please reconsider passing this bill. It does not help or protect any of us. We are suppose to be a country with rights and fair and just laws, but with all the new laws and rules regarding sex offenders our rights are disappearing. These people have families and children, they need homes to live in and jobs to provide for them, to get on with their lives and make something of themselves. Taking away a place for them to live or not being able to find a good job, or being treated like scum is not helping them and will only make them want to lash out at someone. Not all people are a danger to children, most of these so called sex offenders just made a mistake, they deserve to have a second chance. We need to go after the ones who are a real danger the ones that kill, or rape a child., then they need to be kept in prison. All this other they keep passing, in the name of a child needs to stop.... just to get more money for the states and to look good it is just causing kids to be afraid of everyone. I am sorry this may be too long, and I am not good at writing. I want to be proud of living in America but right now I am ashamed of our country.

Thank you,,
Connie S. Norris

Rogers, Laura

From: [REDACTED]
Sent: Monday, July 30, 2007 7:27 AM
To: GetSMART
Subject: Docket #OAG121 -opposed

As a Viet Nam era veteran and mother of three, I am apalled at the absurd and cruel intentions of this proposal.

Not only does this legislation fail to protect children, it in fact endangers children further. No research has been shown these laws are effective. They punish families and innocent children. This is the United States of America. Surely we can do better.

Thank you. Alyce Wenger
Denver Colorado.

Get a sneak peek of the all-new AOL.com.

Rogers, Laura

general

From: [REDACTED]
Sent: Tuesday, July 24, 2007 11:29 PM
To: GetSMART
Subject: Sex offenders

To whom this may concern,

I just have to begin by saying that I am so angry at the way things have, are and always will be handled by the government. I am a victim of sexual abuse and I am so sick and tired of hearing all these new laws and guidelines. It doesn't really matter anyway how much you do it is never going to stop this from happening. I have never had the chance to just get closer from had happened to me because I hear about things like this everyday. I have two daughters and I am very careful with them and teach them well. That is what is going to stop sex offenders. NOT some stupid license plate. Educate!!!! I am sure we can all think of something better to spend tax dollars on.

AOL now offers free email to everyone. Find out more about what's free from AOL at AOL.com.

General

Rogers, Laura

From: [REDACTED]
nt: Thursday, July 26, 2007 12:23 AM
GetSMART
Subject: DEPARTMENT OF JUSTICE Docket No. OAG 121; A.G. Order No. 2880-2007 RIN 1105-AB28

DEPARTMENT OF JUSTICE Docket No. OAG 121; A.G. Order No. 2880-2007 RIN 1105-AB28 is a waste of tax payers money and a waste of time. There is not one instance where sex offender registration has helped one child. Moreover, the sex offender registry only causes more people to be victimized and compromises the rights of the people. I am a registered sex offender and this has only caused me to be homeless, present condition, and has caused me to loose jobs in the past. My children suffer as dose my wife; be aware that this is a problem for many people.

Please don't implement Docket No. OAG 121; A.G. Order No. 2880-2007 RIN 1105-AB28, the SOR hasn't helped to protect children in 13 years and it will never work. Look at your own numbers, child sex offenders re offend at a rate of only 3.3%, this means that 96.7% never re offend.

By supporting this you will be misleading the public to believe that these crimes are committed by strangers, this is not the case: in 95% (19 in 20) of all cases the perpetrator is well known by the victim, they are usually a close family friend, relative, or significant other to the victim's parent.

Yes we need to get smart about this and the only way to get smart is to educate the public about the facts of child sexual abuse and steer them away from the stranger danger myth that is endangering the lives of our children.

general

Rogers, Laura

From: [REDACTED]
Sent: Wednesday, June 06, 2007 10:18 AM
To: GetSMART
Subject: Adam Walsh Act

This act did not stop Joshua Lunsford from putting his hands down his girlfriends pants!! How is it going to stop anybody else? These laws are not protecting anybody!! If you are going to talk about child safety - how do you explain the former [REDACTED] who had sex with a 16 year old girl (consent age is 18) and then had someone take pictures!! He only got a slap on the wrist!! Explain to the common folk who have to live under a bridge the logic in that???

This is nothing but a bunch of dirty tricks

1.
H.R. 4472 never debated in the full US House!
2.
H.R. 3132 is repackaged by the House
3.
The Childrens Safety Act must be approved by the Senate which is stalled on S. 1086 and cannot go to the Senate floor, per Frist, unless or until the hate amendment is withdrawn.
4.
Tier levels - Utah Department of Corrections, studies show from 1992 to 2004 out of 400 offenders, only two offenders reoffended! Majority of offenders are not dangerous, this is a public safety issue!

We can do better.

dphoebe

See what's free at AOL.com.

Rogers, Laura

From: [REDACTED]
Sent: Tuesday, June 12, 2007 12:01 PM
To: GetSMART
Subject: OAG Docket No 121

There are so many problems associated with this proposal its hard to know where to begin. First comment; Why would you require all offenders who are registered to comply with this? According to your own DOJ study, RSO's have the lowest recidivism rate of all offenders. [%5.3 according to your own study] If an offender has complied with all requirements during sentencing and probation and has not reoffended, why would you require additional requirements? Those offenders should gradually be released from the registry and its requirements. Instead they are in a climate that, regardless of how well they comply they, continue to have more restrictions and requirements heaped apoun them. Many of these SMART proposals are difficult to understand and comply with, thus making rearrest more likely. This creates an atmosphere of bitterness and hopelessness. Many RSO's had an onetime, youthful, relationship with an underage partner and have moved on in life with a spouse, children, employment, and live a stable, productive, lifestyle. Years have passed and they have payed their debt to society. These proposals would destroy that. Second comment; Some of these proposals would list private information of individuals who are not on the registry, such as email addresses, license plate information of vehicles, telephone numbers ect. This information will make it much easier to harass or harm offenders and their friends and family. Where are their rights in these proposals? Third comment; Listing publicly an offenders place of employment will cause a huge jump in offender unemployment. RSO's have a difficult time obtaining employment allready and employers will be reluctant to hire offenders due to the associated stigma if that employment is made public. I need not explain all the problems unemployment causes. Finally I believe that, if these proposals are enacted, they will create a climate in which offenders will harbor resentment, bitterness, and fear and they may act out in a violent rage. I believe that will be inevitable unfortunately with these proposals. Particularly those who have their lives back on track. These guidelines lump all offenders together as violent predators who will reoffend, when in fact your own study states otherwise. Modify these guideline to where they only apply to the really dangerous offenders most likely to reoffend. Gerda Eads

Rogers, Laura

From: Eric Eads [REDACTED]
Sent: Thursday, July 19, 2007 6:06 PM
To: GetSMART
Subject: Comments

There are so many problems associated with this proposal its hard to know where to begin. First comment; Why would you require all offenders who are registered to comply with this? According to your own DOJ study, RSO's have the lowest recidivism rate of all offenders. [%5.3 according to your own study] If an offender has complied with all requirements during sentencing and probation and has not reoffended, why would you require additional requirements? Those offenders should gradually be released from the registry and its requirements. Instead they are in a climate that, regardless of how well they comply they, continue to have more restrictions and requirements heaped apoun them. Many of these SMART proposals are difficult to understand and comply with, thus making rearrest more likely. This creates an atmosphere of bitterness and hopelessness. Many RSO's had an onetime, youthful, relationship with an underage partner and have moved on in life with a spouse, children, employment, and live a stable, productive, lifestyle. Years have passed and they have payed their debt to society. These proposals would destroy that. Second comment; Some of these proposals would list private information of individuals who are not on the registry, such as email addresses, license plate information of vehicles, telephone numbers ect. This information will make it much easier to harass or harm offenders and their friends and family. Where are their rights in these proposals? Third comment; Listing publicly an offenders place of employment will cause a huge jump in offender unemployment. RSO's have a difficult time obtaining employment allready and employers will be reluctant to hire offenders due to the associated stigma if that employment is made public. I need not explain all the problems unemployment causes. Finally I believe that, if these proposals are enacted, they will create a climate in which offenders will harbor resentment, bitterness, and fear and they may act out in a violent rage. I believe that will be inevitable unfortunately with these proposals. Particularly those who have their lives back on track. These guidelines lump all offenders together as violent predators who will reoffend, when in fact your own study states otherwise. Modify these guideline to where they only apply to the really dangerous offenders most likely to reoffend

who

are not

7/19/2007

Rogers, Laura

From: [REDACTED]
ent: Saturday, July 07, 2007 7:14 PM
GetSMART
subject: Docket No. OAG 121

I have grave concerns about the Sex Offender Registration and Notification Act and its implications for adolescents and adults with developmental, cognitive and mental disabilities. As a member of a support group for adoptive families who are parenting children/adults whose brains were damaged by prenatal alcohol exposure, I have seen several cases of adolescents and adults, who because of acts which the legal system deemed inappropriate sexual behaviors, are now sex offender list registrants. Some have no understanding of why they must register or why there are now restrictions on where they can live or work.

One has threatened to kill himself, saying his life is over.

Elizabeth Soden

Rogers, Laura

Risk assessment
Multi-prong

From: [REDACTED]
Sent: Tuesday, July 31, 2007 6:19 PM
To: GetSMART
Subject: Comments on proposed guidelines

The most unacceptable portions of these guidelines are based on the tier designations, which have little relationship to actual risk. Designations should be based on professional risk assessment, not on the opinions of legislators.

Risk assessment should be subject to change according to increased stability or destabilization of registrants, psychiatric assessments, current family and community assessment, and other factors shown to be important to risk.

Too much of this is based on false data. Recidivism of sex offenders is low (as verified by Department of Justice data), but the assumption seems to be that all registrants are looking for a chance to reoffend, and to do so more dangerously than before.

I am the wife of a registered offender whose crimes were committed 19 years ago. He touched an 11-year-old through her clothes, and thus he cannot be classified as Tier I. He also "failed" initial probation, primarily because of symptoms of depression (he was not allowed treatment for this--they said treating the depression would "reward" him for offending). His probation was revoked because of "lack of enthusiasm" for the "treatment." Notably, after prison, he did not do well in a second treatment program until he was allowed to receive appropriate psychiatric treatment. Why should he be punished for his feelings of failure, guilt, and uselessness by Tier II designation?

It is well known that parole or probation violation may be technical, sometimes depending more on the attitude of the parole or probation officer than on the actions of the parolee, and may have nothing to do with criminal inclination.

Most important, and probably like many registered offenders, he avoids relationships and situations where reoffence could be a temptation. Furthermore, like most of those who have offended against someone living in the same household (although not legally related), he has NEVER, even before he was caught, when his behavior was escalating, been a danger to anyone outside of our home. Had he not been caught, he would have been a danger to our grandchildren. Had he not been caught, he could have entered into Internet pornography. He was caught and he took responsibility for what he had done.

Having to register anywhere he spends 7 days means we cannot visit our family as we would like to because we will not do anything that requires their addresses to be listed on the Internet. The daughter who rents her home could conceivably be evicted if it were known that her father, a registered offender, visits her. How does interfering with relationships serve to protect the children of the community?

These rules make no allowance that I can see for the problems of aging. Within a few years, neither he nor I will be driving. At some point, we will be more-or-less home bound. With the length of required registration, you will have more and more registrants who are unable to present themselves in person anywhere. And you will have a percentage who, because of age-related dementia, cannot remember either that they have to register, or when. Is dementia to be considered a felony? And of course there is the problem of housing--will registrants be allowed in assisted living or nursing homes?

There is concern about publishing e-mail addresses, not for the loss of privacy of people who have never committed an offence via computer, but for those who could conceivably get together in a pornography or enticement scheme. Yet most who molest children do so secretly; this is not normally a group crime. Meanwhile, my husband cannot legally participate in education or family communication via the computer because I refuse to have our privacy violated by giving out my address, etc.

Publishing car licences likewise poses a danger, both to the registrant and to the family. Our daughter and granddaughter sometimes borrow our van. I am nearly always with my husband in that same van because neither of us likes to drive alone. It's one thing for

the police to have a record of that license, but publishing it on the Internet is totally unacceptable.

Another point: The statement that the registration information is not to be used wrongly is completely useless. We know. There was several thousand dollar's worth of vandalism to our home by a neighbor (known to be psychotic--he believed we sprayed poison from our attic vents). The police knew who did it. We knew. But there was no evidence and he did not physically attack--he only terrorized us in subtle ways. There are always unstable people who will take advantage of the published lists for vandalism, harrassment, or murder.

And how does the registry protect against the 95% of sex crimes committed by those who have never been caught?

This law clearly assumes that registrants have no family, and serves to isolate registrants from family, friends, and community in such a way that it may well exacerbate the very behavior it is intended to prevent.

[REDACTED]

PeoplePC Online
A better way to Internet
<http://www.peoplepc.com>

From: [REDACTED]
Sent: Tuesday, July 31, 2007 11:23 PM
To: GetSMART
Subject: Docket Number: OAG 121

Importance: High

I would like to submit the following comments for consideration by the Attorney General regarding The National Guidelines for Sex Offender Registration and Notification, A.G. Order No. 2880-2007, RIN 1105-AB28.

As the wife of an individual who was wrongly accused and is now forced to comply with the never-ending always changing laws that only apply to the middle-class and below! The Sex Offender Registration and Notification Act (SORNA) guidelines don't work.

Since the enactment of the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (42 U.S.C. 14071) in 1994, thousands of individuals were grandfathered into a registration system that was broken from the beginning.

Based on my research in the State of Illinois, there are people listed as non-complaint who are dead. Others are in jail, but the registration system still shows them out in public.

Instead of changing the rules using the Adam Walsh Child Protection and Safety Act of 2006 (Pub. L. 109-248), why not fix the existing system.

Allow the individuals who have never committed another sex crime to be removed from the registration system.

Also, take into consideration the "She Said, He Said" factor.

What is the "She Said, He Said" factor?

The "She Said, He Said" factor is NEVER discussed because the actual criminal is the 13-14-15 year old girls who file false charges against their fathers just because they are mad at them. There is NO DNA available so guess who goes to jail - He does!

Don't get me wrong, if the individual has committed a number of sex crimes and/or killed someone regardless of age of the victim - they belong on the registration list.

Stop punishing the "TIER I" offenders and their families.

I am a victim of the punishment of a "TIER I" offender! Stop changing the rules because I feel like I'm living a NAZI state - the State of Illinois.

Thank you for your time.

[REDACTED]
[REDACTED]